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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

Summary

This report provides an overview of the main developments related to the Special Representative's work in implementing his mandate since the presentation of his latest report to the Human Rights Council in June 2009 (A/HRC/11/13). It also notes that the reification of the categories of voluntary and mandatory approaches to business and human rights is an impediment to innovative thinking and action. Finally, it contains an update of key meetings and outreach activities undertaken by the Special Representative since the submission of his latest report to the Human Rights Council.

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I. Introduction

1. At its eighth session in June 2008, the Human Rights Council unanimously welcomed the protect, respect and remedy policy framework (see chapter II below) for managing business and human rights challenges, contained in the report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/8/5). The Human Rights Council decided to extend the mandate of the Special Representative for a further three years, asking him to operationalize each of the framework's three pillars by providing concrete guidance and practical recommendations to States, businesses and other social actors on their implementation (A/HRC/RES/8/7). In June 2009, the Special Representative presented his first report under his new mandate to the Human Rights Council at its eleventh session, further elaborating the framework and updating the Council on his initial work towards operationalization (A/HRC/11/13).

2. The present report provides an overview of the main developments related to the Special Representative's work in implementing his mandate, particularly since the submission of his 2009 report (A/HRC/11/13) to the Human Rights Council. It also indicates how the overly rigid distinction between voluntary and mandatory approaches to business and human rights impedes progress on this issue. Finally, the report contains an update of meetings and outreach activities undertaken by the Special Representative since the submission of his 2009 report to the Human Rights Council.

II. The protect, respect and remedy policy framework for business and human rights

3. The protect, respect and remedy framework for business and human rights that the Human Rights Council welcomed in 2008 comprises three pillars: the State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication; the corporate responsibility to respect human rights, which in essence means to act with due diligence to avoid infringing on the rights of others; and greater access by victims to effective remedy, judicial and non-judicial.

4. As noted in the 2009 report of the Special Representative to the Human Rights Council, the framework even by then had already enjoyed considerable uptake by States, companies and civil society.[1] The major global business associations, the International Chamber of Commerce, the International Organization of Employers, and the Business and Industry Advisory Committee to the Organization for Economic Cooperation and Development (OECD), said in a joint statement that the framework provided a clear, practical and objective way of approaching a very complex set of issues.[2] Several global firms have begun to realign their due

[1] A/HRC/11/13, para. 3.

[2] http://www.reports-and-materials.org/Letter-IOE-ICC-BIAC-re-Ruggie-report-May-2008.pdf.

diligence processes with the framework's principles.[3] A joint civil society statement submitted to the Council in May 2008 noted the framework's value, and several signatories have invoked it in subsequent advocacy work.[4] Amnesty International said that the framework had the potential to make an important contribution to the protection of human rights.[5] The United Nations High Commissioner for Human Rights hailed it as an important milestone.[6] The Joint Committee on Human Rights of the Parliament of the United Kingdom of Great Britain and Northern Ireland convened hearings around it;[7] a new corporate social responsibility white paper by Norway drew extensively on it;[8] and Sweden's Presidency of the European Union will dedicate a conference to its elaboration in November 2009. A number of international organizations have begun to reference the framework in updating their own policies.[9]

5. The Special Representative was particularly gratified by the very supportive statements made by the representatives of all States that spoke at the eleventh session of the Human Rights Council in June 2009, including Brazil, China, India and the European Union.

6. The policy framework was developed through extensive global consultations with business, Governments and civil society. Similarly, the operationalization of the framework is proceeding through broad multi-stakeholder consultations as well as ongoing collaboration with experts and relevant national and international organizations and initiatives.

A. The State duty to protect

7. The State duty to protect has both legal and policy dimensions but is grounded in international human rights law. The specific language employed in the main United Nations human rights treaties varies, but all include two sets of obligations. First, the treaties commit States parties to refrain from violating the enumerated rights of persons within their territory and/or jurisdiction. Second, the treaties require States to "ensure" (or some functionally equivalent verb) the enjoyment or

[3] For example, the oil company ExxonMobil, in a public commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights, cited the framework's corporate responsibility to respect principle as a benchmark for its own employees. Their statement is available at: http://www.exxonmobil.com/corporate/news_opeds_20081218_humanrights.aspx.

[4] A/HRC/8/NGO/5.

[5] http://www.reports-and-materials.org/Amnesty-submission-to-Ruggie-Jul-2008.doc.

[6] http://www.ohchr.org/EN/NewsEvents/Pages/AMilestoneforBusinessandHumanRights.aspx.

[7] http://www.parliament.uk/documents/upload/Business_and_HR_CallforEvidence.pdf.

[8] http://www.regjeringen.no/en/dep/ud/Documents/Propositions-and-reports/Reports-to-the-Starting/2008-2009.

[9] The Special Representative is collaborating with OECD and the European Commission, and has twice presented invited statements to the United Nations Commission on International Trade Law (UNCITRAL).

realization of those rights by rights holders.[10] In turn, ensuring that rights holders enjoy their rights requires protection by States against other social actors, including business, who impede or negate those rights. Guidance from international human rights bodies suggests that the State duty to protect applies to all recognized rights that private parties are capable of impairing and to all types of business enterprises.[11] The duty to protect is a standard of conduct, not result, meaning that States are expected to take appropriate steps to prevent, investigate, punish and redress abuse by private actors, including business, affecting the rights of persons within their territory and/or jurisdiction. The extraterritorial scope of the duty remains unsettled under international human rights law, but it is generally accepted that States are not prohibited from taking steps to regulate the overseas behaviour of companies incorporated within their jurisdiction, provided there is a recognized jurisdictional basis and that an overall test of reasonableness is met.

8. Governments must balance different societal needs, which entails making difficult policy choices. Nevertheless, the business and human rights domain exhibits considerable legal and policy incoherence. There is both vertical and horizontal policy incoherence: vertical in that States take on human rights obligations but do not sufficiently implement them; and horizontal in that human rights concerns have traditionally been kept separate from the policy and regulatory domains that address business most directly. States therefore need to think about how to integrate such considerations into areas like investment and trade policy; securities and corporate law; and export credit and insurance.

9. Recent legal and policy developments deal with some of the challenges. In previous reports, the Special Representative noted four significant legal developments: a gradual convergence of standards for international crimes that apply to corporations under national law, largely related to the harmonization of national standards applicable to individuals with those contained in the Rome Statute of the International Criminal Court; a developing standard of corporate complicity in human rights abuses; growing consideration of "corporate culture" by States in deciding criminal responsibility or punishment; and an increasing number of civil cases brought against parent companies for their own acts and omissions in relation to harm involving their foreign subsidiaries.[12]

10. The Special Representative has identified four core areas on which to focus in relation to the State duty to protect.

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[10] For example, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child use "respect and ensure", with "respect" in the State context meaning that the State must refrain from violating the rights. The Convention on the Rights of Persons with Disabilities requires States parties to "ensure and promote", and to take appropriate measures to "eliminate" abuse by private "enterprises". The International Convention on the Elimination of All Forms of Racial Discrimination requires that each State party "shall prohibit and bring to an end ... racial discrimination by any persons, group or organization". The Convention on the Elimination of All Forms of Discrimination against Women requires States parties "to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise". In the International Covenant on Economic, Social and Cultural Rights States parties undertake "to take steps ... achieving progressively the full realization of the rights", while its rights-specific provisions, such as those dealing with labour, refer to States ensuring those rights.

[11] See A/HRC/8/5/Add.1 for a summary of the research of the Special Representative on the United Nations human rights treaties and commentaries by the treaty bodies.

[12] A/HRC/4/35, paras. 19-32; A/HRC/8/5, paras. 31 and 90; and A/HRC/8/16.

11. The first area is safeguarding the ability of States to meet their human rights obligations, including their duty to protect against business-related harm. One way in which States may effectively "tie their own hands" in policy terms is by signing on to overly broad investment agreements, an issue elaborated in the reports of the Special Representative submitted to the Human Rights Council at its eighth and eleventh sessions.[13] Accordingly, the Special Representative is exploring the feasibility of developing guidance for investment contracts that ensure investor protection without constraining bona fide human rights objectives. In this context, the Special Representative convened an expert workshop in Paris on 25 and 26 June 2009 with investment negotiators and others who are involved in negotiating and carrying out investment projects in all regions of the world to discuss investment contracts and human rights. The two-day workshop discussed ways in which States, companies and others could ensure that investment contracts did not interfere with the State duty to protect and reflect the corporate responsibility to respect.[14] The Special Representative is exploring the extent to which elements in the international trade regime may also be relevant to addressing this challenge.

12. Second, the Special Representative has stressed that Governments need to consider human rights when they are involved in business ventures, whether as owners, investors, insurers, procurers or simply promoters. When States do business with business there may be particularly strong policy reasons to ensure corporate respect for rights, not only to safeguard the State's reputation but also to provide support to their business partners and other companies to respect rights. To this end, the Special Representative has focused in particular on export credit agencies, but he is also exploring other State-business relationships.

13. Third, even when Governments are not connected directly to a business venture, they must foster corporate cultures that are respectful of rights. Here the Special Representative has focused on the role of corporate law and State corporate social responsibility policies. The implications of corporate law for human rights remain poorly understood, and traditionally the two fields have remained institutionally separate, both from a legal and policy point of view. The Special Representative is working with 19 leading corporate law firms from around the world to help him identify whether and how national corporate law principles and practices in over 40 jurisdictions currently foster corporate cultures that are respectful of human rights.[15] Following wide consultations and an expert round table later this year, he will decide what, if any, recommendations to make to States in this area and will also seek to clarify the opportunities and challenges which may come from various policy and legal reform options.

14. Another available tool is found in State corporate social responsibility policies, which vary substantively and in form but generally are intended to help encourage

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[13] In May 2009 the final report entitled "Stabilization clauses and human rights" was published. The report details the empirical research on stabilization clauses in investment contracts and describes the year of consultation the Special Representative carried out since the consultation draft of the report was published in March 2008. The report is available at: http://www.ifc.org/ifcext/sustainability.nsf/Content/Publications_LessonsLearned.

[14] A summary report of the meeting is available at: http://www.reports-and-materials.org/Report-on-Ruggie-responsible-contracting-workshop-25-26-Jun-2009.pdf.

[15] More information is available at: http://www.reports-and-materials.org/Corporate-law-firms-advise-Ruggie-23-Mar-2009.pdf.

responsible business practices, including with respect to human rights.[16] The Special Representative has seen that in some States, corporate social responsibility policies establish processes whereby access to official assistance, such as export credit or investment insurance, may be linked to companies having a corporate social responsibility policy, participating in the United Nations Global Compact or confirming their knowledge of the OECD Guidelines for Multinational Enterprises. To learn more about State corporate social responsibility policies and how they may contribute to greater policy coherence in business and human rights, the Special Representative is surveying Member States of the United Nations as to whether they have such policies, and if so, the extent to which they encourage both State agencies and companies to foster corporate respect for human rights.

15. Fourth, the Special Representative has stressed the urgency of developing innovative policy measures and tools that Governments could employ to guide companies operating in conflict-affected areas, in which governance structures and the rule of law by definition are weak or non-existent. He is in discussions with an informal group of home and host States from a geographically representative sample, including States emerging from recent conflict, on the parameters of such a project.

16. Finally, and more broadly, the Special Representative intends to further clarify the extraterritorial scope of the State duty to protect, including what States are required to do under international human rights law in order to prevent and address corporate-related abuse abroad, what they are permitted to do and what might make good policy sense for them to do.

B. The corporate responsibility to respect

17. The second pillar of the framework is the corporate responsibility to respect human rights. In addition to complying with national laws, the corporate responsibility to respect human rights is the baseline expectation for all companies in all situations; in essence, it means to act with due diligence to avoid infringing on the rights of others. The corporate responsibility to respect is recognized by virtually every voluntary initiative and in soft law instruments, such as the International Labour Organization (ILO) Tripartite Declaration and the OECD Guidelines for Multinational Enterprises, and is a core principle of the United Nations Global Compact. Companies may take on additional responsibilities voluntarily, but [illegible] companies must ensure that they meet their responsibility to respect rights.

18. Relatively few companies have systems in place that would enable them to support claims that they respect human rights. What is needed therefore is a due diligence process whereby companies become aware of, prevent and address adverse human rights impacts. The four core elements of human rights due diligence for companies identified by the Special Representative are: having a human rights policy; undertaking human rights impact assessments; integrating human rights throughout a company as appropriate; and tracking and reporting performance.

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[16] Many OECD countries have such policies; elements can also be found in Brazil, China, Indonesia and elsewhere.

19. The mandate of the Special Representative was created because there was no clarity on corporate responsibilities with respect to human rights as a whole, and therefore on how to prevent corporate-related human rights abuses from occurring. This was recognized in the response of one Government to the Special Representative's questionnaire to States in 2006:

> The existing international CSR [corporate social responsibility] framework is marked by numerous voluntary codes, moving benchmarks and ongoing debate regarding the appropriate boundaries between governments, business and other stakeholders. Furthermore, while most multilateral CSR initiatives make at least a reference to human rights, a significant gap in the existing framework is the lack of an authoritative statement — akin to the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work — on business and human rights against which company activity can be measured, or an accepted methodology with which to assess such activity.[17]

20. The Special Representative has already filled a normative gap by building consensus around the corporate responsibility to respect human rights; he is now working to elaborate what that responsibility means in practice and to fulfil his mandate to elaborate further on the scope and content of the corporate responsibility to respect all human rights and to provide concrete guidance to business and other stakeholders, as requested by the Human Rights Council.

21. To that end, he aims to produce a set of guiding principles that both address the processes through which a company should perform its human rights due diligence and provide guidance for the complex dilemmas that businesses may face in fulfilling their responsibility to respect, such as what to do when international human rights standards conflict with domestic law.

22. With regard to human rights due diligence, the focus of the Special Representative will be on providing guiding principles that are enduring and of broad application to business, for example, to small- and medium-sized enterprises as well as to transnational corporations, while also offering clear benchmarks to help individual companies carry out this due diligence in practice. He will also address the compatibility and distinctiveness of human rights in relation to other issues that businesses address, such as ethics and environmental sustainability.

23. The complex dilemmas include when international human rights standards conflict with domestic law; when a company's responsibilities might go beyond respecting human rights; and how to delineate a company's responsibility, for example with regard to supply chains or joint venture partners. On these issues, the Special Representative will not create falsely convenient or prescriptive answers where none exist, but rather he aims to provide principled guidance to support companies' arriving at context-appropriate solutions.

24. Since his 2008 report, the Special Representative has been engaged in bilateral exchanges with experts on the corporate responsibility to respect, including those involved with other initiatives related to corporate social responsibility. The Special Representative does not intend his efforts to supersede such initiatives, many of

[17] A summary of all the State responses to the questionnaire received by the Special Representative are contained in A/HRC/4/35/Add.3.

which have been developed for particular industries or issues, but rather to provide the essential bedrock of principles applicable across all rights and industries on which other initiatives can develop.

25. The Special Representative is continuing with expert consultations and plans to organize an online consultation towards the end of 2009 aimed at engaging a broad spectrum of participants in his elaboration of the corporate responsibility to respect. He will also hold a multi-stakeholder consultation in Germany in February 2010.

C. Access to remedy

26. In his report to the Human Rights Council at its eleventh session, the Special Representative observed that judicial and non-judicial grievance mechanisms formed part of both the State duty to protect and the corporate responsibility to respect. They were essential to ensuring access to remedy for victims of corporate abuse. Without appropriate steps by States to investigate, punish and redress abuse against persons in their jurisdiction and/or territory, the duty to protect was rendered weak or even meaningless. For States, they were also means of enforcing or incentivizing corporate compliance with relevant law and standards, and of deterring abuse. For companies, operational-level mechanisms had the added benefit of giving early warning of problems and helping mitigate or resolve them before abuses occurred or disputes compounded. As such, they could be as essential to effective risk management as monitoring and audits.

27. However, the Special Representative has emphasized that too many barriers exist to accessing judicial remedy, and too few non-judicial mechanisms meet the minimum principles of effectiveness that he articulated in his reports to the Human Rights Council at its eighth and eleventh sessions. Further improvements, shared learning and innovations are required. The Special Representative's continuing work on access to remedy is aimed at meeting each of these three objectives.

28. The Special Representative is exploring three aspects of access to justice: legal barriers, practical obstacles, and particular barriers confronting potentially at-risk or vulnerable groups. In relation to legal barriers, his ongoing work is focused on: surveying existing national standards of corporate civil and criminal liability; examining key jurisdictional challenges, especially in dealing with corporate groups and with the overseas activities of companies; and highlighting the interactions between corporate and individual liability.

29. In terms of practical barriers, the Special Representative is considering: the need to ameliorate costs and ensure access to legal advice; the role of public interest claims and group actions; and the investigatory and evidentiary challenges involved in cases where the relevant harm occurs overseas. His work on practical barriers is influenced by a broader awareness of the difficulties in ensuring remedy in jurisdictions with weak or underresourced judicial systems.

30. Turning to potentially vulnerable groups, the Special Representative is considering how the failure to adequately protect the rights of women and indigenous peoples in national laws can impact upon their ability to access remedy for corporate-related abuse. He also hopes to receive expert input on successful approaches to dispute resolution between indigenous communities and companies,

encompassing both judicial and non-judicial elements. Finally, he is considering the position of other groups that may be marginalized in their interactions with transnational corporations and in accessing remedy, particularly artisanal and small-scale miners.[18]

31. In his exploration of these issues, the Special Representative is building upon the valuable work of a number of legal, non-governmental, academic and business organizations. He looks forward in particular to the outcomes of the study that the European Union will undertake in early 2010 on the human rights and environmental obligations of European Union-domiciled companies in relation to their overseas operations. In September 2009, the Fafo Institute for Applied International Studies, Amnesty International and the Norwegian Peacebuilding Centre (Noref) will jointly convene a meeting in support of the mandate to examine a number of these issues and possible steps forward. The Special Representative will continue to engage with stakeholders on how these and other obstacles to justice for affected individuals and communities could be addressed.

32. With regard to access to remedy via non-judicial channels, the Special Representative is currently pursuing three areas of activity.

33. First, as highlighted in his 2009 report to the Human Rights Council, the Special Representative is undertaking a 20-month project to pilot the seven principles for company-level mechanisms: legitimacy; accessibility; predictability; equitability; rights-compatibility; transparency; and dialogue and engagement. This project will involve four core pilots and one mini-pilot, ranging across four continents and five sectors. The core pilots are with the Sakhalin Energy Investment Corporation in the Russian Federation, a joint venture of Gazprom, Shell, Mitsui and Mitsubishi; Carbones del Cerrejón in Colombia, a joint venture of Anglo American, BHP Billiton and Xstrata; Esquel Group and its facility in Viet Nam; and Tesco with a group of its suppliers. The mini-pilot is with Hewlett-Packard and two of its suppliers in China. Final reports on the pilots will be made publicly available.

34. The Special Representative is grateful to the International Organization of Employers, the International Chamber of Commerce, and the Business and Industry Advisory Committee of the OECD for their support of this project and to all participating companies for their collaboration. He looks forward to learning from them and their stakeholders' experience.

35. In addition to looking at operational-level grievance mechanisms, the Special Representative has begun to explore the other factors internal to companies that can determine how effective they are at conflict management. At this stage, the Special Representative is focusing on the mining industry to understand better the relationship between corporate culture and conflict management. Corporate culture is taken to refer to a company's authentic values, plus the practices, systems and processes that drive those values into the organization. Conflict is understood as a continuum that ranges from the normal tensions and frictions that arise from human interactions at one end through to violent conflict at the other. Initial research and expert consultations have highlighted a number of factors related to corporate culture that appear to play a significant role in the effectiveness of mining

[18] The Special Representative looks forward to receiving the results of a study undertaken by a team from the Yale Law School Lowenstein Human Rights Clinic.

companies at conflict management.[19] The Special Representative will continue to explore these issues over the coming year.

36. Finally, the Special Representative continues to develop BASESwiki (www.baseswiki.org), the interactive online forum for finding, learning about and discussing the grievance mechanisms and dispute resolution resources available to companies and their external stakeholders. Since his 2009 report to the Human Rights Council, BASESwiki has been launched in Korean and Japanese, thanks to the support of partners in the Republic of Korea and Japan. The Arabic BASESwiki is under development and will be ready soon, completing the launch of the website in the six United Nations languages. Partnerships are under discussion with organizations in a variety of further countries to assist in bringing this resource closer to the grass roots.

37. BASESwiki is a resource built by users for users. The Special Representative therefore encourages all stakeholders to visit the site, join the community, and explore, improve or add to the information available in order to build this important resource. The Special Representative remains indebted to the International Bar Association for its collaboration and to the Compliance Adviser/Ombudsman of the World Bank Group and JAMS Foundation for their support of this project.

III. Mandatory versus voluntary: an impediment to progress

38. In many countries, creative thinking and innovative policy relevant to business and human rights has been impeded by adherence to a reified and increasingly stale bifurcation of voluntary and mandatory means. The Special Representative raised this issue during presentations made in 2009 to the European Union Parliamentary Subcommittee on Human Rights and to the Joint Committee on Human Rights of the Parliament of the United Kingdom.

39. Those on the mandatory side ignore the fact that international treaties are voluntary in the sense that no country can be forced to adopt one; at the global level they need to be negotiated among 192 Member States of the United Nations with very different outlooks and capacities; and even if a meaningful common denominator for a binding treaty in business and human rights were reached, compliance de facto would end up being largely voluntary because no international enforcement mechanism exists in this domain, or is likely to anytime soon.

40. On the other side, companies that advocate pure voluntarism have yet to explain how one ever reaches sufficient scale to make a difference or how to pull laggards along.

41. Governments advocating pure voluntarism often fail to provide even non-legal guidance or incentives for companies to respect human rights, thereby implying that voluntary standards have little if any practical consequence. Furthermore, they do business no great favour by failing to provide adequate assistance to companies, especially when they operate in tough environments, such as areas in conflict or otherwise weak governance zones, where companies have done the greatest human rights harm and run into the most trouble. In the end, policies of voluntarism are

[19] www.reports-and-materials.org/Conflict-management-and-corporate-culture-in-mining-roundtable-12-Jun-2009.pdf.

often indistinguishable from laissez-faire, that is to say, they are not policies at all. There is a need to recognize that a smart mix of mandatory and voluntary measures is required and to get on with practical problem solving.

IV. Key events and outreach activities

A. General outreach

42. The Special Representative has continued his extensive outreach through bilateral and multi-stakeholder consultations, expert convenings and engagement with international organizations.

1. Regional consultations

43. The Special Representative convened two regional consultations in 2009. The first took place in New Delhi, on 5 and 6 February 2009, and the second took place in Buenos Aires, on 14 and 15 May 2009. Both consultations followed the same format and included representatives from States, corporations and civil society, as well as academics and legal practitioners from across the respective regions. Like the previous regional consultations convened by the Special Representative, these regional consultations were not a country visit organized to investigate the situation of human rights at the national level, but rather were intended to bring people together from across the region so that the Special Representative could hear their views on how best to operationalize the protect, respect and remedy framework. In particular, the consultations were intended to facilitate networking and information-sharing between stakeholders not based in North America or in Europe and who are without the means to participate in the consultations organized there.

44. The consultations focused on the three pillars of the policy framework for business and human rights, potential ways to operationalize them, and challenges and opportunities inherent in doing so. A final open session gave the opportunity to participants to discuss business- and human rights-related issues of particular importance for them. After both consultations, civil society organizations that participated in the consultation made submissions to the Special Representative, to which he then responded.[20]

2. International institutions

45. In October 2008, the Special Representative met with members of the Inter-American Commission on Human Rights to discuss the approach of the Commission to business and human rights.[21]

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[20] The report from the consultations, along with the civil society submissions and the Special Representative's responses are available at: http://www.business-humanrights.org/Updates/Archive/UNSpecialRep-Consultationsworkshops.

[21] For the report on the Inter-American Human Rights System, see: http://www.reports-and-materials.org/State-Responsibilities-under-Inter-American-System-Apr-2008.pdf. For a background note on the Special Representative's meeting with the Inter-American Human Rights Commission, see: http://www.reports-and-materials.org/Ruggie-presentation-IACHR-17-Oct-08.pdf.

46. In a statement delivered on 18 May 2009 to the United Nations Permanent Forum on Indigenous Issues at its eighth session, held in New York, the Special Representative made clear that in operationalizing the framework it would be important to better understand the particular position and experiences of indigenous peoples. He has underlined that in projects affecting indigenous peoples, companies should consider additional standards specific to those communities.

47. In its final report, the Permanent Forum gave its support to the protect, respect and remedy framework.[22] It also supported the Special Representative's broader work in urging States to integrate human rights into those areas that most affected business practices and encouraging companies to consider relevant standards and adopt meaningful human rights due diligence processes in relation to their impacts on indigenous peoples.[23] The Permanent Forum agreed that in order to ensure access to effective remedies, States needed to enforce corporate compliance with relevant laws and standards, and businesses should put in place operational-level grievance mechanisms of the sort the Special Representative had proposed to provide early warning and prevent escalation of problems. Significant barriers to accessing effective judicial and non-judicial remedies persisted, for indigenous peoples as well as for other groups, and the Permanent Forum indicated that it supported the ongoing work of the Special Representative to identify and propose ways to address those barriers.[24]

3. National institutions

48. After the submission of his 2009 report to the Human Rights Council, the Special Representative was invited to give evidence to the Joint Committee on Human Rights of the Parliament of the United Kingdom as part of its enquiry into business and human rights, and to the Australian National Human Rights Consultation Committee, which is advising the federal Government on policy options to strengthen human rights protection in Australia, including with regard to business.

49. During his appearance before the Joint Committee on Human Rights of the Parliament of the United Kingdom on 3 June 2009, the Special Representative welcomed the Committee's decision to use the protect, respect and remedy framework as the basis on which to structure its enquiry. He reiterated the various governance gaps in the business and human rights arena and underlined that addressing those gaps required creative thinking and innovative policy that was often impeded by continued adherence by Governments to a reified bifurcation of voluntary and mandatory means, as described above. The Special Representative addressed a range of questions from the Committee and looks forward to reading the results of their enquiry.

50. In his written submission to the Australian National Human Rights Consultation Committee, the Special Representative highlighted the framework, and as in his remarks to the United Kingdom enquiry, he encouraged the Committee to

[22] E/2009/43, chap. I, sect. B, para. 12.
[23] E/2009/43, chap. I, sect. B, paras. 13-15.
[24] E/2009/43, chap. I, sect. B, para. 16.

reconsider commonly held assumptions with respect to business and human rights.[25]

B. Other key activities

1. Leadership Group

51. On 14 and 15 June 2009, the Special Representative convened the first meeting of his Leadership Group in Salzburg, Austria. The Leadership Group was established in September 2008 to offer strategic and substantive advice to the Special Representative. The first meeting of the Group explored progress in the implementation of the mandate of the Special Representative and how members, both as a group and individually, could act as force multipliers for that mandate.[26] The meeting was hosted by the Government of Austria and the non-governmental organization RespACT-Austrian Business Council for Sustainable Development. A meeting note is available on the website of the Special Representative.[27]

2. Integrating a gender perspective

52. To address the provision in the new mandate of the Special Representative asking him to integrate a gender perspective into his work, the Special Representative accepted an offer from the non-governmental organization Realizing Rights: the Ethical Globalization Initiative to convene a meeting of gender experts to discuss the issue. The meeting took place on 29 June 2009, in New York.[28]

V. Conclusion

53. The international community is still in the early phases of adapting the international human rights regime to provide more effective protection to individuals and communities against corporate-related human rights harm. The Special Representative, however, has stated on a number of occasions that business as usual isn't good enough for anybody, including business itself.

54. As the present report indicates, the efforts of the Special Representative to operationalize the policy framework for business and human rights are moving ahead with the involvement of a wide group of individuals and organizations from all stakeholders and constituencies. The Special Representative remains grateful for this ongoing engagement without which his efforts would fail. He also remains grateful to the range of Governments that continues to support his work.

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[25] The submission is available at: http://www.reports-and-materials.org/Ruggie-submission-to-Australian-Natl-Human-Rts-Consultation-Committee-9-Jun-2009.pdf.

[26] For information and membership of the Leadership Group please go to: http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative.

[27] A summer report of the meeting is available at: http://www.reports-and-materials.org/Ruggie-Salzburg-Leadership-Group-mtg-15-Jun-2009.pdf.

[28] A summary report of the meeting is available at: http://www.reports-and-materials.org/Gender-meeting-for-Ruggie-29-Jun-2009.pdf.

55. The Special Representative is looking forward to the global consultation on business and human rights, scheduled for 5 and 6 October 2009 and organized by the Office of the High Commissioner for Human Rights pursuant to Human Rights Council resolution 8/7, which will focus on ways and means of operationalizing the policy framework. He is hopeful that this important event, comprising inputs from a range of experts and groups, including representatives of victims of corporate-related human rights abuse, will provide valuable input to his efforts.

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The Peacebuilding Fund

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 63/282 and covers the activities of the Peacebuilding Fund from 1 July 2008 to 30 June 2009. As at 30 June 2009, the Fund's portfolio stood at $312.9 million, with deposits totalling $309.6 million having been received from a broad base of 45 donors. The Fund is currently active in 12 countries, directly contributing to building the foundations for peace in countries emerging from conflict or helping post-conflict countries to prevent a relapse into conflict.

Recent evaluations and performance reports submitted by recipient organizations confirm that early notable results have been achieved during the Fund's initial two years and that the Fund has the potential to fill a unique peacebuilding niche. The evaluations also identified a number of management and operational challenges: those are being addressed in part through a revision of the Fund's terms of reference and in part through management improvements instituted by the Peacebuilding Support Office. The revised terms of reference were endorsed by the General Assembly on 17 June 2009, and give impetus for a broad revision of the Fund's operational and procedural guidelines.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 63/282, in which the Assembly requested the Secretary-General to submit an annual report on the operation and activities of the Peacebuilding Fund. The report covers the period from 1 July 2008 to 30 June 2009, and reflects the highlights of the consolidated annual progress report prepared by the Fund's administrative agent, the Multi-donor Trust Fund Office of the United Nations Development Programme (UNDP). It offers insights into the administration and use of the Fund and gives an overview of the scope of activities and key results to date. Efforts to identify ways to improve the efficiency and effectiveness of the Fund are described along with emerging lessons and recommendations.

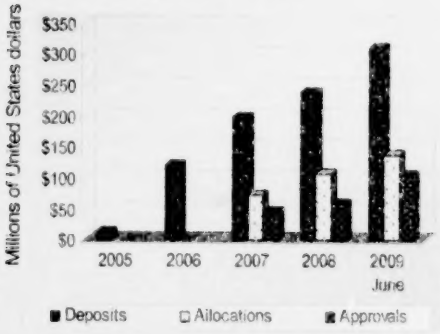
2. The report is informed by evaluations and reviews, in particular by the findings and recommendations of an independent evaluation undertaken by the Office of Internal Oversight Services (OIOS) during the second half of 2008, which highlighted both the successes and the challenges of implementing the Fund. In that connection, the report outlines how the Peacebuilding Support Office has been addressing the emerging challenges through its management response to the evaluation, working in close collaboration with other United Nations partners and stakeholders.

II. Administration and use of the Fund

A. Deposits, allocations, approvals and utilization

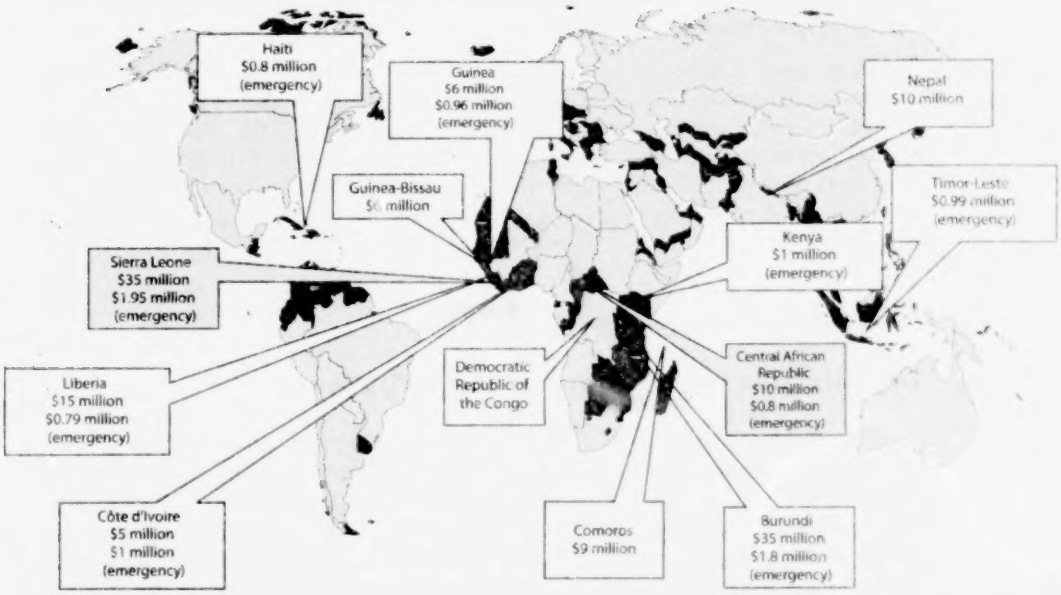
3. The financial situation of the Peacebuilding Fund from its inception to 30 June 2009 reflects robust growth (see figure I). At 30 June 2009, the Fund's portfolio stood at $312.9 million (up $44 million from June 2008), with deposits of $309.6 million (an increase of $71 million from June 2008). With 45 donors, the Fund enjoys one of the broadest donor bases of any multi-donor trust fund administered by the United Nations (see annex I). Eighteen countries had contributed more than once to the Fund, reflecting continued donor commitment to supporting the Fund and its objectives. The 10 largest contributors were Sweden, the United Kingdom of Great Britain and Northern Ireland, Norway, the Netherlands, Japan, Canada, Ireland, Spain, Germany and Denmark.

Figure I
Peacebuilding Fund portfolio growth: cumulative deposits, allocations and approvals, 2005-June 2009



4. Of the Fund's programmable funds (i.e., those received in the trust fund account) of $309.6 million, a total of $141.3 million had been allocated to support peacebuilding activities in 12 countries, four of which were countries on the agenda of the Peacebuilding Commission (see figure II). Five countries not on the Commission's agenda had been declared eligible for Fund support by the Secretary-General and had received such support. Nine country situations drew on emergency funding under the Fund, some also receiving support under priority plan funding.

Figure II
Peacebuilding Fund: geographical distribution of countries receiving support



Note: Shaded countries are those on the agenda of the Peacebuilding Commission.

5. The certified financial report of the UNDP Multi-donor Trust Fund Office for 2008 indicates that the funds transferred to recipient organizations totalled $87.7 million at 31 December 2008; by June 2009, that amount had increased to $115 million. In comparison with 2007, the number of participating United Nations organizations at the end of 2008 had increased from 6 to 11. The table below shows the distribution of funds allocated and transferred as at 31 December 2008. UNDP was the recipient organization having received the largest allocation ($67.3 million, or 77 per cent of the total funding available).

Peacebuilding Fund: project fund flows by recipient organization and implementation rate by country at 31 December 2008

(Thousands of United States dollars)

A. Project fund flows by recipient organization

	Number of projects	*Fund flows*	
		Transfers	*Expenditure*
International Organization for Migration (IOM)	2	4 611	1 249
Office of the United Nations High Commissioner for Human Rights (OHCHR)	1	400	77
United Nations Development Programme (UNDP)	38	67 257	38 767
United Nations Educational, Scientific and Cultural Organization (UNESCO)	1	900	—
United Nations Population Fund (UNFPA)	1	4 200	2 574
Office of the United Nations High Commissioner for Refugees (UNHCR)	3	2 800	941
United Nations Children's Fund (UNICEF)	1	189	30
United Nations Development Fund for Women (UNIFEM)	2	3 718	2 484
United Nations Office on Drugs and Crime (UNODC)	1	900	113
United Nations Office for Project Services (UNOPS)	2	2 694	870
Total	**52**	**87 669**	**47 105**

B. Implementation (delivery) rate by country

	Implementation rate (percentage)
1. Countries on Peacebuilding Commission agenda	
Burundi	64
Guinea-Bissau	39
Sierra Leone	53
Central African Republic	—
Average	57
2. Countries not on Peacebuilding Commission agenda	
Côte d'Ivoire	61
Liberia	14
Nepal	—
Guinea	—
Comoros	—
Average	37
3. Emergency projects (52 projects)	43
Overall	**54**

6. The project expenditures of each recipient United Nations organization, which are reported according to categories agreed by the United Nations Development Group (http://www.undg.org/docs/9442), show that implementation rates are lagging behind expectations and confirm concerns raised by key stakeholders of the Fund. The implementation rates, determined in terms of expenditure as a proportion of total amount transferred by country, reflect both the difficulty of operationalizing the Fund in post-conflict settings with weak local-level capacities and the effect of protracted country-level project vetting processes following the allocation of funds. In some cases, the rates may be misleading, as for Liberia, where several projects were approved only in the second half of 2008 and would not be expected to have a high implementation rate at year-end.

7. Estimates by the Peacebuilding Support Office for 2009 show significant increases in implementation rates, in part as a consequence of management efforts by the Office and by the recipient United Nations organizations. There is an increasing awareness and recognition that the Fund's performance should be measured not only by short-term implementation rates but also, and more importantly, by the longer-term success of the processes, capacity-building and broader national ownership it supports.

B. Mobilizing funding for peacebuilding

8. While the Fund's current funding position is solid, the global financial crisis may well have an adverse impact on future funding for peacebuilding and this has to be taken into account when Fund allocations are being programmed and when Fund-supported projects are looking for additional funding. In addition, the Peacebuilding Support Office will have to contemplate continuing funding for activities that were intended to be initiated by the Fund but then continued by donors and Governments. Early indications are that fund-raising is becoming more difficult.

9. The evaluations also indicated out that the Fund had yet to demonstrate its catalytic value in terms of attracting additional resources. While a number of activities have been able to attract additional donor or Government funding (see para. 26), some critical initiatives will have to be discontinued for lack of additional funding. The importance of building fund-raising and partnership strategies into project designs and of making that a condition for approval of funds has now been recognized and is being addressed with the support of the joint steering committees and the Peacebuilding Commission.

10. In this regard, the Peacebuilding Support Office also intends to collaborate more closely with other relevant funding instruments, such as the European Union's Instrument for Stability, the World Bank's State- and Peacebuilding Fund and the UNDP Thematic Trust Fund for Crisis Prevention and Recovery, to explore joint funding or follow-up funding opportunities.

11. One of the Peacebuilding Fund's unique advantages is its ability to fund critical activities in the area of security sector reform, which is typically an underfunded sector. While 86 per cent of the Fund's resources allocated to activities in 2007 and 2008 corresponded to official development assistance, the 14 per cent not under the heading of official development assistance went to support human rights training for military personnel, provision of equipment and improved housing to boost morale and improve relationships with civilians.

III. Achievements by country and priority area

A. Country progress reports

Countries before the Peacebuilding Commission (window I)

Burundi

12. Peacebuilding in Burundi entered a new phase in the country's efforts to emerge from a long civil war, following the 4 December 2008 agreement that had facilitated the transformation of the Parti pour la libération du peuple hutu-Forces nationales de libération (Palipehutu-FNL) into a political party. The creation of political momentum conducive to effective disarmament, demobilization and reintegration of this last armed group in Burundi was achieved with additional and timely assistance provided by the Peacebuilding Support Office. Of the 18 projects approved, 4 had been completed and the rest were expected to be closed by the end of December 2009, with the exception of one recently initiated project on socio-economic reintegration and community recovery of populations affected by war in three provinces. During the past 12 months, implementation improved and the delivery rate against the total budget of $35 million reached 75 per cent at the end of the first half of 2009. The improvements in monitoring and evaluation capacity during 2009 enabled both the steering committee and the implementing agencies to undertake more rigorous tracking of project progress. Some peacebuilding initiatives combining Fund projects and other means of intervention were beginning to show some tangible results in the areas of administrative and political governance, justice and human rights, the fight against corruption, security sector reform and the empowerment of women and civil society. The ongoing national dialogue process was expected to help restore social trust after decades of violence.

13. The Peacebuilding Support Office quickly released additional emergency funding for the demobilization and reintegration of FNL combatants in Burundi, resulting in the registration of more than 5,000 of the 11,000 adults associated with FNL, they were issued return kits, paid the first instalment of return assistance and transported to their home communities. Support under the Fund complemented other efforts that enabled some 3,500 FNL elements to be assimilated into the military and police.

Central African Republic

14. Peacebuilding in the Central African Republic continued to face challenges in building on the momentum created by the national political dialogue in late 2008, including the formation of a broad-based government and the establishment of a disarmament, demobilization and reintegration steering committee to consolidate the momentum for peace; and in overcoming threats posed by sporadic rebel violence in the north. Pending the start-up of demobilization activities, critical preparatory work advanced and provisional lists of potential ex-combatants, were submitted to the United Nations. Initial funding of $4 million (40 per cent of the Fund envelope) was used to start up that exercise, while additional appeals were made to the wider international community for further DDR support for disarmament, demobilization and reintegration, which was a critical precondition for improved security and peaceful elections. The priority plan funded 11 projects in the following areas: (a) support for the demobilization and reintegration process (60 per cent of the total

envelope); (b) governance and rule of law, primarily to support human rights and women's networks (14 per cent); and (c) revitalization of communities affected by conflict (26 per cent). Work on the United Nations integrated strategic framework was completed in May 2009, enabling the initiation of discussions for a second tranche under the Fund.

Guinea-Bissau

15. The period under review was characterized by significant political and military tension in Guinea-Bissau. The prevailing political situation had had a negative impact on peacebuilding efforts. As a result, three ongoing Peacebuilding Fund projects experienced disruptions. Notwithstanding those events, the meetings of the Peacebuilding Commission country-specific configuration on Guinea-Bissau coupled with numerous United Nations country support visits enabled continuous engagement and tracking of project progress. A professional training and employment programme would provide training for 500 youths. To combat drug trafficking and organized crime, the Fund has provided support to enhance both police capacity and prison security. Public tenders for the rehabilitation of 10 military barracks were scheduled for July 2009.

Sierra Leone

16. In March 2009, Sierra Leone saw the worst political violence since the end of the civil war in 2002. An inter-party dialogue facilitated by the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) brought the two main parties to the negotiating table and the resulting agreements were laid down in a joint communiqué. Quick application of contingency funds provided for (a) setting up a commission of inquiry to investigate allegations of sexual violence during the disturbances and (b) rehabilitation of the damaged offices of one of the political parties. In support of the joint communiqué, two projects to be funded under the Fund's emergency facility were prepared by UNIPSIL and approved by the Peacebuilding Support Office in May 2009. These interventions are aimed at improving police control and techniques for riot control and fostering national political dialogue and reconciliation. Delivery of projects overall improved steadily over the past year. Notable results included improved outreach of the National Human Rights Commission, increased awareness of the recently passed Gender and Child Rights Act and a sharp reduction in the backlog of detainees awaiting trial (90 per cent of 600 cases cleared). At the request of the Government and following endorsement by country-level stakeholders and the Peacebuilding Commission, the priority plan was revised in August 2008 in order to address critical energy shortfalls in the country. To assess and better guide the implementation of Fund activities in the country, a midterm review was conducted by independent consultants in April 2009, creating an opportunity for the Government, the United Nations and civil society to improve performance prior to the final series of approvals. In addition to identifying improvements essential for the creation of a joint United Nations/UNDP vision, the evaluation highlighted the need for greater advocacy and effective management of stakeholder expectations regarding Fund-supported projects.

Countries declared eligible for funding by the Secretary-General (window II)

Comoros

17. The commitment of the Comoros to peacebuilding was evidenced by the launch in March 2009 of the "inter-Comorian dialogue", in advance of the operationalization of the Fund-supported priority plan (envelope of $9 million). The initial phase of the dialogue generated some consensus on governance, functioning of State institutions, harmonization of presidential mandates, and rationalization of the election timetable. But it also revealed deep divergences on aspects related to the procedures to be followed to implement necessary reforms. The United Nations country team devoted attention to building structures and capacities for the joint implementation support capacity and national institutions essential for rapid, effective and transparent implementation. For its part, the Government set up the Commission for National Solidarity to guide the peacebuilding process. The priority plan identified four priority areas of intervention, which were being translated into specific projects by recipient United Nations organizations together with national counterparts. Of these, a project to strengthen national peacebuilding and project management capacities had already been approved.

Côte d'Ivoire

18. While the security and political climate in Côte d'Ivoire continued to be relatively stable and calm, the political situation remained somewhat fragile, especially as elections were further postponed to late 2009. The Fund was providing support through a priority plan of $5 million comprising the support for the facilitation of the "inter-Ivorian direct dialogue" (follow-up to the emergency funding) within the framework of the Ouagadougou Political Agreement and assistance to Operation 1,000 Microprojects, a quick peace dividends project to support reintegration and rehabilitation of ex-combatants, former militia members and youth at risk in the interim period between the signing of the Agreement and the pending elections. By June 2009, at least 70 per cent of the allocation had been disbursed in support of a total of 3,407 participants, increasingly including women (18.3 per cent) and members of communities affected by conflict; that total broke down as follows: 1,099 ex-combatants, 757 former militia members, 847 youth at risk and 704 community members. Plans were under way to evaluate this project and explore ways to strengthen the sustainability of these initiatives and identify follow-up funding. Sustainability of this effort remained a major challenge.

Democratic Republic of Congo

19. The Secretary-General declared the Democratic Republic of the Congo eligible to receive Peacebuilding Fund funding on 17 June 2009. Eligibility was justified by the situation in the eastern portion of the country, where elements of fragility and insecurity remained but significant opportunities for a durable peace were also present, mainly with the signing of accords and agreements between the Government and armed groups. Within the context of United Nations support to help the country sustain this positive momentum, the Peacebuilding Support Office will work with country-level partners to jointly identify priority support areas.

Guinea

20. Political instability in Guinea reached a peak in December 2008 following the death of the President and the subsequent takeover of power by a military junta. That development coincided with the finalization of the Peacebuilding Fund priority plan, which was deferred while the United Nations country team reassessed the situation and emerging peacebuilding priorities. The priority plan was approved in February 2009 with an initial funding envelope set at $6 million, aimed at ensuring inclusive and sustainable national dialogue, supporting human rights promotion, civic education and reform of the security sector, and strengthening the contribution of women and youth to conflict prevention and peacebuilding. A joint start-up mission of the Peacebuilding Support Office, the Department of Political Affairs and the United Nations Development Programme Bureau for Crisis Prevention and Recovery was fielded to Guinea in June 2009 and recommended approval of projects urgently to ensure that they would contribute positively to the transition process in the lead-up to the legislative and presidential elections scheduled for late 2009.

Liberia

21. As of May 2009, a total of 20 Peacebuilding Fund projects had been approved for Liberia, fully committing the allocated envelope of $15 million. The pilot project funded from the emergency funding window, for alternative reconciliation approaches in Nimba County, was independently evaluated in September 2008, with positive findings that enabled national-level roll-out of the pilot programme. Liberia was the first Peacebuilding Fund recipient country to establish a dedicated national peacebuilding office, located in the Ministry of Internal Affairs, the office is intended to build national conflict sensitivity and peacebuilding capacity and also carries the task of coordinating and managing the Fund's activities in the country. The action agenda of the office focuses on training in conflict sensitivity, fostering community peacebuilding networks and strengthening results-oriented monitoring and evaluation. Other Fund-supported activities charting new ground included the youth peace ambassadors, the Tumutu comprehensive disarmament, demobilization and reintegration approach and the partnership with the Ministry of Justice to establish a gender-based violence unit to deal primarily and decisively with the abuse of women, which started during the conflict era and continues with impunity in the post-conflict period.

Nepal

22. The Peacebuilding Support Office approved the Peacebuilding Fund priority plan for Nepal and committed $10 million to it in September 2008. The resources are channelled through the United Nations Peace Fund for Nepal and have helped to catalyse additional funding for peacebuilding. Projects have been approved under three priority areas of the Fund: strengthening of State capacity for sustaining peace, community recovery, and conflict prevention and reconciliation. Assistance under the Fund has enabled the United Nations country team to focus more on key structural dimensions of the conflict, such as creating new employment opportunities for a large and politically vulnerable young population.

3. Emergency funding (window III)

23. Under the Fund's initial terms of reference, emergency funding was provided for 9 one-off projects of less than $1 million. This facility has proved to be a flexible and responsive instrument that enables the Secretary-General to respond quickly to imminent threats to peace, while demonstrating the Fund's risk-taking capabilities. Nearly all the emergency projects, however, experienced implementation delays due to local circumstances that affected quick delivery. Project extension requests or requests for additional funding were received from Côte d'Ivoire (political dialogue facilitation required additional assistance following postponement of elections), the Central African Republic (inclusive political dialogue needed additional funding to conclude the process), Haiti (security reforms were delayed by pending relocation of affected communities), Kenya (community-based reconciliation required additional time and resources to scale up the process) and Burundi (political dialogue required additional funding to respond to the December 2008 agreement).

24. During the reporting period, four new emergency projects were approved, for Burundi (1 project), Sierra Leone (2) and Timor-Leste (1).

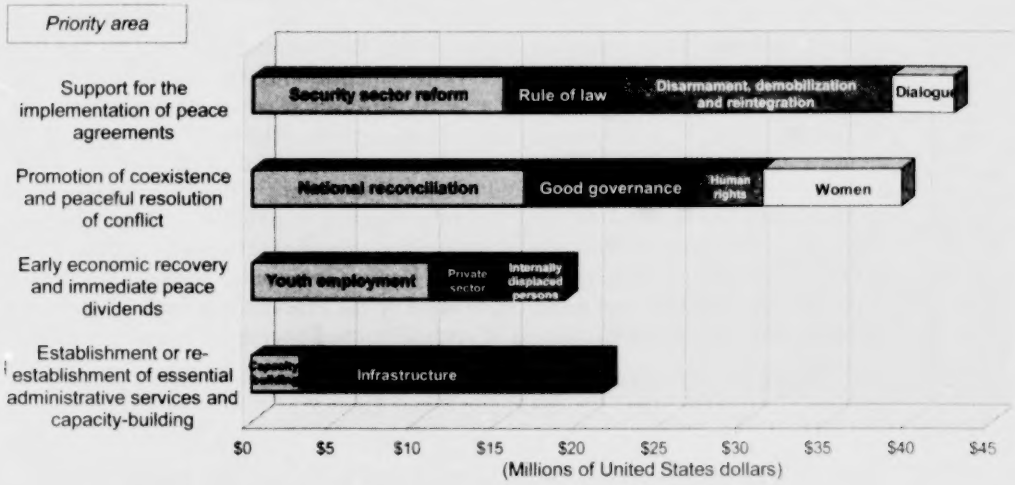
B. Key results obtained in the four priority areas of the Fund

25. Between July 2008 and June 2009, three additional priority plans and 40 new projects were approved, bringing the number of countries receiving Peacebuilding Fund support to 12, with 89 projects. With this doubling of the Fund's portfolio, the distribution of projects over the four priority areas identified for the Fund in the revised terms of reference (A/63/818, annex), remained largely the same. A portion of 35 per cent was allocated to support implementation of peace agreements, 33 per cent to the promotion of coexistence and peaceful resolution of conflict, 15 per cent to early economic recovery and peace dividends and 18 per cent to rebuilding infrastructure and technical capacity.

26. As of June 2009, 12 projects had been completed and 26 new projects had been started in the previous four months. An initial attempt to assess the catalytic effect of the Fund on the basis of recipient organizations' reports to 31 December 2008 revealed that 21 of the 51 projects in the Fund's overall portfolio had reported additional mobilized resources totalling $21 million, equivalent to 24 per cent of the overall approved budget of the Fund at that time.

27. A results-oriented analysis of the 10 priority plans and 89 approved projects identified 13 outcomes that reflect the intended results of each of the four priority areas of the Fund. In the present section, an overview of the key results achieved in 2008/09 is presented, highlighting the trends and critical challenges encountered (see figure III).

Figure III
Fund-approved project budget by priority area and outcomes



1. Support for the implementation of peace agreements

28. The Fund is largely intended to be used in the immediate aftermath of conflict when a serious risk of relapse into violent conflict exists. One third of the Fund's resources are directed at country-level support for the implementation of peace agreements, including immediate priorities in strengthening security and the rule of law. Political dialogue to maintain progress with agreements is proving to be an important aspect that the Fund can support, along with initial inputs into comprehensive disarmament, demobilization and reintegration programmes to assist the effective reintegration of ex-combatants.

29. A total of nine projects relating to security sector reform (with funding of $15 million) have been completed or are ongoing, concentrated largely in countries on the agenda of the Peacebuilding Commission, along with eight projects for the reintegration of ex-combatants ($16 million). The Fund's engagement in the areas of rule of law and of disarmament, demobilization and reintegration is intensifying, as both have been adopted as thematic priority areas in most Fund-supported countries. Fostering an independent judiciary with efficient legal procedures to reduce backlogs of court cases and pretrial detention periods is another priority area, with six projects valued at $7 million. In Côte d'Ivoire, a modest Peacebuilding Fund country programme of $5 million includes an element of support for the facilitation of political dialogue with third-party involvement; political dialogue is also supported by three emergency grants under the Fund.

30. Recipient United Nations have organizations reported that, although security and justice sector capacity was substantially strengthened in 2008, there were delays in project delivery due to an often-unpredictable institutional and security context. An example of this occurred in Burundi when violent confrontations with armed forces took place in 2008; the situation was resolved only when a disarmament, demobilization and reintegration agreement was reached later in the year. Other identified challenges included inadequate project staffing, meeting of international

legal standards by post-conflict countries and implementation delays owing to national elections.

2. Promotion of coexistence and peaceful resolution of conflict

31. In order to prevent conflict from reigniting, peacebuilding programme design needs to address the causes of the conflict as well as changed power relations in the immediate post-conflict period. Nearly 50 per cent of Fund-supported projects seek to build national and local capacity to better understand root causes and conflict drivers and to identify ways to promote peaceful coexistence.

32. A total of 17 projects have focused on national reconciliation, accounting for $17.9 million. A review of the Fund commissioned in 2009 on behalf of its five major donors identified this as the main underfunded peacebuilding area (www.unpbf.org/docs/PBF_Review.pdf). Common approaches include launching of land dispute settlement commissions; conducting of peace education, mediation and dialogue training; and lending of support for independent media and for truth and reconciliation commissions. Thirteen governance projects ($11.3 million) have emphasized improving leadership and the relationship between authorities and civilians, funding activities such as anti-corruption commissions and processes for free and fair elections. Through nine projects totalling $8.5 million, the Fund also prioritizes equal representation of women in peace processes, protection from gender-based violence and psychosocial and economic assistance for women affected by conflict. The number of projects addressing specific hardships faced by women in post-conflict countries increased dramatically from one to eight over the past year. Four projects totalling $4 million have supported awareness and access to human rights for the population at large, such as through the establishment of national human rights commissions and the transformation of indigenous legal practices.

33. Recipient United Nations organizations have underlined the successful support provided to national election commissions in Guinea-Bissau and Sierra Leone, filling a crucial funding gap and leading to orderly and calm elections. A pilot community reconciliation project in Liberia's volatile Nimba County succeeded in developing a model for conflict resolution, including mechanisms for settling property disputes. The success of this project in fostering reconciliation and post-conflict reintegration led to the roll-out of a similar approach at the national level. Challenges to such approaches include political risks affecting the performance of reconciliation and governance projects; limited political will and national ownership, along with difficulties in national legislatures; and inflexible positions of some key stakeholders. Such challenges attest to the fact that sustainable peacebuilding is not a short-term endeavour.

3. Early economic recovery and immediate peace dividends

34. A major threat to the stability of many post-conflict societies is the lack of economic opportunity, which results in massive and pervasive underemployment and unemployment, with youth being especially at risk. At the same time, young people are a country's most valuable asset for the future. Hence, the Fund is supporting six large-scale youth empowerment and employment projects, valued at $11 million. Eight projects ($7 million) support the reintegration of returning internally displaced persons and refugees, as well as reviving agricultural production and providing basic services as immediate peace dividends to the population at large.

35. Youth empowerment and employment figure high in the priority plans for Guinea-Bissau and Sierra Leone. Short-term labour projects are envisioned, to be complemented by medium- and longer-term employment initiatives by the Government and development partners for training and employing young people. The implementation of such programmes, however, is proving challenging, owing to limitations in local capacity and a lack of political consensus over who should benefit from the activities. Recipient United Nations organizations have furthermore acknowledged the need for a stronger gender focus so as to address significant disparities in literacy and economic opportunities.

36. Six projects were recently initiated to assist internally displaced persons and refugees in returning to and reintegrating in communities and reviving agricultural production. This is a vast increase over only two approvals during the previous year. A good example can be drawn from the Central African Republic, which decided to prioritize the urgent reintegration of ex-combatants and affected populations over investments in security and judiciary reform, deciding that the latter could be funded from subsequent Fund allocations to the country.

4. Establishment or re-establishment of essential administrative services and capacity-building

37. Eight projects ($21 million) have supported authorities in post-conflict settings to rapidly restore essential administrative services and boost related institutional and technical capacity for service delivery. Outcomes have included improved infrastructure (such as electricity, sewerage and water supply) and institutions that are able to function better, including through the construction of barracks, courthouses and prisons.[1]

38. To date, one project, building 32 courthouses in rural provinces of Burundi, has been completed. This boosted rural employment and improved access to the judiciary for local populations. Overall, Fund allocations to infrastructure increased 50 per cent in 2008, largely due to a one-time gap-filling allocation to maintain electricity supply in key regions of Sierra Leone as articulated in the national Integrated Strategic Framework endorsed by the Peacebuilding Commission's country-specific configuration.

C. Lessons learned

39. Countries emerging from conflict typically have many needs, all of which seem to be priorities. Governments and partners are pressured to deliver peace dividends immediately at a time when capacities and resources are very limited. This largely characterizes the environment in which the Peacebuilding Fund has operated and continues to operate. Emerging lessons and experiences noted in the previous report remain for the most part pertinent (A/63/218-S/2008/522). Progress was made, however, in the present reporting period in defining responses, as more lessons, including those indicated below, continued to be garnered from recent experiences.

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[1] Projects combining technical and human capacity-building aimed at an explicit peacebuilding outcome are listed under the first priority area (support for implementation of peace agreements) or under the second priority area (peaceful conflict resolution).

40. *The start-up phase of Peacebuilding Fund activities in a country is one of the most critical and labour-intensive periods for the United Nations country team and its national partners, yet there is little spare capacity to meet the new demands entailed in start-up. It is therefore absolutely essential to ensure greater focus on start-up support to address weak planning, programming and implementation capacity.* Given the considerable lag between the declaration of eligibility for support under the Fund and the approval of the first projects, more upfront support from the Peacebuilding Support Office and the UNDP Multi-donor Trust Fund Office, with key partners such as the UNDP Bureau for Crisis Prevention and Recovery, the Department of Political Affairs and the Department of Peacekeeping Operations, is warranted for the development of priority plans and initial projects. This should be coupled with the development of training curricula and partnerships to strengthen capacity on the ground in the initial months.

41. *Synergy between the Peacebuilding Fund and the Peacebuilding Commission has improved but there is scope for better calibrating the engagement between the Fund and the Commission.* Members of the Peacebuilding Commission could play a greater role in helping to identify and promote the engagement of bilateral and multilateral donors. This is particularly important during the later stages of implementation with a view to phasing out the Fund's involvement to make way for more substantial and sustainable resource bases, such as country-level multi-donor trust funds. The Commission's influence could also be tapped to support policy choices and prioritization in national budgets to favour actions that serve to consolidate a participative peace. The Fund's revised terms of reference underline synergy and closer collaboration in countries before the Commission. Innovative and successful approaches supported by the Fund could provide a wealth of experience for the Commission's Working Group on Lessons Learned and enrich the country debate.

42. *More attention needs to be given to the critical role of the joint steering committees and to ensuring that they are able to play their role to the fullest.* National joint steering committees, with diverse membership and co-chaired by the senior United Nations official and a senior Government counterpart in the country, are a fundamental feature of the Fund designed to promote national ownership and capacity. The role of the joint steering committees needs to be further enhanced, for example in the area of results-oriented planning, monitoring and evaluation.

43. *Sound and sustained peacebuilding needs effective partnerships at all levels.* More needs to be done to ensure effective partnership at all levels. While this starts at the country level, where partnerships between the Government, civil society, donors, the private sector and the United Nations are crucial to the success of peacebuilding, it is also played out at the global level, where improved synergy between the Peacebuilding Commission and the Peacebuilding Fund can lead to a greater catalytic impact of the Fund. The success of Fund-supported activities depends, to a large extent, on good collaboration and cooperation between the Peacebuilding Support Office and the rest of the United Nations system, especially the agencies, funds and programmes. The recently established inter-agency task force is expected to guide and ensure broad support and engagement of the United Nations system in the review and enhancement of the Fund's guidelines in line with its revised terms of reference.

and funding disbursements. On the advice of Member States, the revised terms of reference transform the Fund's three-window architecture into two facilities: (a) the Immediate Response Facility (an expanded and more agile emergency window); and (b) the Peacebuilding and Recovery Facility (merging windows I and II). In its resolution 63/282, the General Assembly welcomed the revised terms of reference, thus opening the way for improving the Fund's performance through greater operational responsiveness, increased effectiveness and efficiency and enhanced synergy between the Fund and the Peacebuilding Commission.

C. Structural and management reforms

47. The evaluations also informed a series of structural and management improvements. The Peacebuilding Support Office's management response built on many actions already under way, and progress has been made regarding the recruitment of additional staff to fill critical capacity gaps hand in hand with increased partnership with United Nations agencies and departments and internal task-sharing within the Office.

48. An inter-agency task force has been formed to draw upon United Nations system expertise and provide practical inputs for guidelines on field programming and implementation of the Fund, and a series of meetings to share ideas and lessons on peacebuilding support is ongoing. Revised guidelines will better articulate the means of pursuing the Fund's core objectives and define the new structural arrangements as approved in the revised terms of reference. Clarifying the various roles and responsibilities at all levels, in particular in decision-making, reporting and accountability, is a paramount objective, including synchronizing arrangements with the UNDP Multi-donor Trust Fund Office as the Fund administrator. Initial work has also commenced with the United Nations and external partners, such as academic institutions, for stepping up related peacebuilding training, awareness-raising and field support, all with an emphasis on drawing upon and bolstering the Fund's effectiveness.

D. Focus on results and learning from the field

49. Results-based monitoring and reporting is a priority for the Fund in order to follow project progress, document effective and catalytic strategies and share lessons with key actors across Fund-supported countries. Responsibility for monitoring and reporting at the project level rests with the recipient United Nations organization, while the joint steering committee and the Fund's country-level secretariats monitor overall progress of the country programme. Quarterly project updates are compiled to allow the Peacebuilding Support Office, the UNDP Multi-donor Trust Fund Office, country-level joint steering committees and recipient organizations (at their respective headquarters) to monitor progress and results. Monitoring support missions were fielded to West Africa and staff exchanges were initiated between Fund-supported countries in Central and West Africa. In collaboration with academic institutions, a pilot monitoring and evaluation training exercise has been developed for the Fund's secretariats and joint steering committees, and is expected to lead to inputs for Fund-specific training modules.

50. The first two countries supported by the Peacebuilding Fund, Burundi and Sierra Leone, commissioned midterm reviews in 2009 to assess the relevance, effectiveness and efficiency of the projects and to provide a set of practical recommendations to aid in successful project completion and in the phasing out of Fund activities in those countries. In Sierra Leone, the joint review was initiated by the Government, UNDP (the main recipient United Nations organization) and UNIPSIL, and its conclusions indicated improved performance and delivery rates following a slow start-up. The review highlighted the need to strengthen project management, to ensure effective monitoring and reporting practices, to institute a communication strategy for wide dissemination of results and to enhance the Fund's catalytic effect. The midterm review in Burundi is scheduled for August 2009.

V. Management and oversight of the Fund

Activities of the Peacebuilding Support Office

51. The consideration and approval of new project requests slowed down during the second half of 2008 and in early 2009 in order to allow for the results of the various evaluation exercises and the review of the terms of reference to be reflected in an improved management and guidance system. In response to the evaluations, the Peacebuilding Support Office embarked on management improvements in the following four priority areas: (a) strengthening global management: review of existing accountability mechanisms and decision-making processes; review and staffing up of the Fund's global office to meet programmatic fund management needs and review of the division of labour with the UNDP Multi-donor Trust Fund Office; (b) improving guidelines and training: update of guidelines to reflect the new terms of reference and development of a training package for operational and programmatic issues; (c) strengthening support for Fund-supported countries: stronger field management structures; increased Peacebuilding Support Office engagement during the start-up phase; organization of an annual training event for Fund-supported countries and increased monitoring visits to those countries; and (d) improving communications and outreach: development of a global and country-level communications strategy and regular progress reporting to both the Fund and the Fund's donor group. The Peacebuilding Support Office, in collaboration with the UNDP Multi-donor Trust Fund Office, UNDP and the Department of Political Affairs, fielded support and start-up missions to Burundi, the Central African Republic, the Comoros, Côte d'Ivoire, Guinea, Guinea-Bissau, Kenya, Liberia, Nepal and Sierra Leone.

Activities of the Advisory Group

52. Pursuant to the Fund's terms of reference, the Secretary-General appointed an independent advisory group to provide advice and oversight on the speed and appropriateness of the fund allocations and to examine performance and financial reports on its use to ensure accountability, effectiveness and transparency. The Peacebuilding Fund Advisory Group met in October 2008 and May 2009 to discuss the OIOS evaluation of the Fund, advise on the revision of the Fund's terms of reference and review the Fund's guidelines and procedures. The Advisory Group furthermore revisited and clarified its own terms of reference, in particular with regard to its oversight function vis-à-vis the Fund, and agreed to concentrate on three critical oversight tasks: (a) review of the policy on and speed of Peacebuilding

Fund allocations; (b) review of the performance of the Fund; and (c) identification of best practices and lessons learned in peacebuilding. The Advisory Group will participate actively in the reformulating of the guidelines and operational policies required to make the revised terms of reference operational.

VI. Partnership-building and collaboration with other funds

53. Some of the difficulties experienced by recipient United Nations organizations in implementing Fund activities reflect systemic constraints that cannot be fully resolved within the context of the Fund. Most recipient organizations do not have implementation modalities tailored to countries emerging from conflict and this puts limitations on their response capacity. The Peacebuilding Support Office has been working with its partners to identify solutions to some of those limitations. The Office has also increased its engagement and partnerships with other multi-donor trust funds, e.g. the Central Emergency Response Fund, the United Nations Trust Fund for Human Security and the UNDP Thematic Trust Fund for Crisis Prevention and Recovery; and further consultation meetings are planned in the context of revising the Fund's guidelines through the sharing of experiences, methodologies and lessons learned. In addition, the Office has shared its views on funding for peacebuilding in the context of the work of the Organization for Economic Cooperation and Development's International Network on Conflict and Fragility and will continue to do so with interested partners. Collaborative opportunities with specialized agencies, funds and programmes of the United Nations have recently been stepped up, with the Development Operations Coordination Office and the United Nations System Staff College harmonizing fund application within common country planning processes and supporting conflict prevention principles embedded in United Nations responses to national recovery and development plans.

VII. Conclusions and the way ahead

54. The Fund has demonstrated its potential to fill a critical niche in the area of peacebuilding. While much remains to be done, evaluations have documented early successes and innovations that underline the importance and relevance of this new funding instrument. The teething problems faced by the Fund are not unusual for a new fund. Much has been learned during the initial two years of full operation and this must now inform a concerted effort by the Peacebuilding Support Office, recipient United Nations organizations and Member States in order to fully address the shortcomings identified in the external evaluations.

55. The Fund's revised terms of reference provide an effective platform for improving its performance and application. Applying the new terms of reference while addressing the challenges identified in the evaluations should enable the Fund to serve as a fast-disbursing, agile, responsive and risk-taking peacebuilding instrument that can be fully utilized in the spirit of the Secretary-General's report on peacebuilding in the immediate aftermath of conflict.

56. The way ahead includes the establishment of full fund management capacity within the Peacebuilding Support Office in order to improve global and country-level support, in particular during the critical start-up phase of Fund activities in each country; the establishment of a robust accountability framework so as to

respond to the information and oversight requirements of the Fund's donors; improved synergy with the Peacebuilding Commission, in particular regarding countries on its agenda and for better capturing the lessons learned by activities through the Working Group on Lessons Learned; using the Fund to improve United Nations cooperation and collaboration on peacebuilding so as to strengthen the system's ability to support countries emerging from conflict; and expanding the Fund's operations to strategically assist more countries requiring urgent peacebuilding support.

Annex I

Peacebuilding Fund: cumulative pledges, commitments and deposits as at 30 June 2008

Donor	Pledges[a] (donor currency)	Commitments[b] (United States dollars)	Deposits (United States dollars)
Australia	$A 3 000 000	2 414 400	2 414 400
Austria	€1 500 000	2 108 550	2 108 550
Bahrain	US$ 10 000	10 000	10 000
Belgium	€2 477 651	3 647 407	3 647 407
Brazil	US$ 590 000	590 000	590 000
Canada	$Can 20 000 000	18 765 294	18 765 294
Chile	US$ 161 449	161 449	161 449
China	US$ 3 000 000	3 000 000	2 000 000
Croatia	US$ 30 000	30 000	63 000
Cyprus	US$ 20 000	20 000	40 000
Czech Republic	US$ 346 682	346 682	346 682
Denmark	DKr 50 000 000	8 878 509	8 878 509
Egypt	US$ 45 000	45 000	45 000
Finland	€4 800 000	6 543 638	6 543 638
France	€1 000 000	1 359 100	2 881 600
Germany	US$ 11 000 000	11 000 000	11 000 000
Iceland	US$ 1 000 000	1 000 000	1 000 000
India	US$ 2 000 000	2 000 000	2 000 000
Indonesia	US$ 40 000	40 000	40 000
Ireland	€10 000 000	12 600 000	12 600 000
Italy	€4 000 000	5 766 562	5 766 562
Japan	US$ 20 000 000	20 000 000	20 000 000
Kuwait	US$ 500 000	500 000	500 000
Libyan Arab Jamahiriya	US$ 50 000	50 000	50 000
Luxembourg	€916 927	1 256 551	1 256 551
Mexico	US$ 100 000	100 000	100 000
Morocco	US$ 5 000	5 000	5 000
Netherlands	US$ 46 456 518	46 456 518	46 456 518
Norway	NKr 200 000 000	32 124 458	32 124 458
Poland	US$ 100 000	100 000	100 000
Portugal	US$ 1 000 000	1 000 000	1 000 000
Qatar	US$ 200 000	200 000	200 000
Republic of Korea	US$ 3 000 000	3 000 000	3 000 000
Romania	€100 000	147 210	147 210
Russian Federation	US$ —	—	2 000 000

Donor	*Pledges*[a] *(donor currency)*	*Commitments*[b] *(United States dollars)*	*Deposits*
Saudi Arabia	US$ —	—	500 000
Slovenia	US$ 20 000	20 000	20 000
Spain	€8 900 000	12 001 999	12 001 999
Sweden	SKr 400 000 000	54 555 181	54 555 181
Thailand	US$ 10 000	10 000	10 000
Turkey	US$ 1 200 000	1 200 000	1 200 000
United Arab Emirates	US$ —	—	500 000
United Kingdom	£30 000 000	52 960 200	52 960 200
Organization of the Islamic Conference	US$ 20 000	20 000	20 000
Private donors	US$ 18 933	18 933	18 933
Total		**306 052 641**	**309 628 141**

Notes

[a] Pledges: voluntary contributions by donors pending formalization of letter of agreement.

[b] Commitments: contribution as per signed letter of agreement. United States dollar equivalents of commitments are estimated at United Nations operational exchange rates and are for indicative purposes only.

Annex II

Peacebuilding Fund projects approved in 2008/09

A. Burundi

Burundi Peacebuilding Fund Steering Committee approval date	*Burundi Peacebuilding Fund priority area*	*Recipient United Nations organization*	*Project title*	*Approved budget (in United States dollars)*
3 November 2008	Human rights	UNDP	Reduction of violence by relaunching the national programme for the enforcement of decisions rendered by courts; and capacity-building for judicial institutions	158 520
18 November 2008	Democratic governance	UNDP	Initiation of dialogue among national partners	148 000
18 November 2008	Democratic governance	UNIFEM	Strengthening the role of women in the process of community reconstruction	105 193
24 November 2008	Democratic governance	UNFPA	Youth participation in social cohesion	200 005
24 November 2008	Security sector	UNDP	Rehabilitation of the barracks of the National Defence Forces to reduce their impact on the population	229 150
Total approved				**840 868**

B. Central African Republic

Central African Republic Peacebuilding Fund Steering Committee approval date	*Central African Republic Peacebuilding Fund priority area*	*Recipient United Nations organization*	*Project title*	*Approved budget (in United States dollars)*
3 December 2008	Security sector reform	UNHCR	Reintegration of young people through employment	500 000
1 April 2008	Security sector reform	UNDP	Support for the start of the disarmament, demobilization and reintegration programme	3 955 710
12 November 2008	Security sector reform	UNICEF	Prevention of recruitment, demobilization and reintegration of children associated with armed forces and groups and other children and women	2 000 000
12 November 2008	Communities affected by conflict	FAO	Revival of agro-pastoral activities in Paoua, Bozoum and Ndelé	300 000
12 November 2008	Communities affected by conflict	FAO	Socio-economic recovery for communities affected by the conflict	300 000
12 November 2008	Communities affected by conflict	UNDP	Apprenticeship training for young people affected by the conflict	450 000
12 November 2008	Communities affected by conflict	UNESCO	Community radios for social cohesion throughout the country	324 000
12 November 2008	Communities affected by conflict	UNESCO	Vocational training centres in Bozoum, Bossangoa and Bria	355 000

Central African Republic Peacebuilding Fund Steering Committee approval date	*Central African Republic Peacebuilding Fund priority area*	*Recipient United Nations organization*	*Project title*	*Approved by (in United S dol*
12 November 2008	Communities affected by conflict	UNESCO	Expression and reconciliation	371
12 November 2008	Governance and rule of law	UNFPA	Empowerment of women affected by the conflict for community reconstruction	686
12 November 2008	Governance and rule of law	UNDP	Network of women leaders for women's rights	390
3 December 2008	Governance and rule of law	UNHCR	Training for women in human rights in Ouham-Pendé and Bamingui-Bangoran	368
Total approved				**16 000**

C. Côte d'Ivoire

Côte d'Ivoire Peacebuilding Fund Steering Committee approval date	*Côte d'Ivoire Peacebuilding Fund priority area*	*Recipient United Nations organization*	*Project title*	*Approved by (in United do*
12 June 2008	Support for the reintegration of ex-combatants, former militia members and youth at risk	UNDP	1,000 micro-projects for reintegration of ex-combatants and youth	4 000
12 June 2008	Support to the Ouagadougou Political Agreement	UNDP	Supporting implementation of Ouagadougou "direct dialogue"	1 000
Total approved				**5 000**

D. Liberia

Liberia Peacebuilding Fund Steering Committee approval date	*Liberia Peacebuilding Fund priority area*	*Recipient United Nations organization*	*Project title*	*Approved (in United d*
25 September 2008	Fostering national reconciliation and conflict management	UNHCR	Community empowerment: peace, human rights and civic partnerships	93
17 October 2008	Fostering national reconciliation and conflict management	UNESCO	Peace, human rights and citizenship schooling	90
22 December 2008	Fostering national reconciliation and conflict management	UNDP	Volunteers for peace	45
22 March 2008	Fostering national reconciliation and conflict management	UNDP	Truth and Reconciliation Commission final initiative: consultations and national conference	35

Liberia Peacebuilding Fund Steering Committee approval date	*Liberia Peacebuilding Fund priority area*	*Recipient United Nations organization*	*Project title*	*Approved budget (in United States dollars)*
22 March 2008	Fostering national reconciliation and conflict management	UNDP	Strengthening Government capacity to consolidate peace	600 000
22 March 2008	Fostering national reconciliation and conflict management	UNICEF	Youth empowerment and peace promotion	1 000 000
22 March 2008	Fostering national reconciliation and conflict management	UNOPS	Platform for dialogue and peace	1 000 000
25 September 2008	Strengthening State capacity for peace consolidation	UNHCR	Strengthening the rule of law	1 167 610
29 September 2008	Strengthening State capacity for peace consolidation	UNDP	Government Peacebuilding Office	902 759
22 December 2008	Strengthening State capacity for peace consolidation	UNDP	Improving Ministry of Justice prosecution services	1 082 000
22 December 2008	Strengthening State capacity for peace consolidation	UNDP	Strengthened public defence	750 066
22 December 2008	Strengthening State capacity for peace consolidation	United Nations Human Settlements Programme (UN-Habitat)	Support to the Land Commission	750 000
22 December 2008	Strengthening State capacity for peace consolidation	UNFPA	Strengthening prosecution of sexual and gender-based violence offences	792 857
22 March 2008	Strengthening State capacity for peace consolidation	UNDP	Enhancing police-community relations	750 000
25 September 2008	Critical interventions to promote peace and resolve conflict	UNDP	Tumutu Agricultural Training Programme	1 123 500
22 December 2008	Critical interventions to promote peace and resolve conflict	UNFPA	Psychosocial and community support	889 902
22 December 2008	Critical interventions to promote peace and resolve conflict	UNDP	Supporting the Anti-Corruption Commission	500 000
22 March 2008	Critical interventions to promote peace and resolve conflict	UNDP	Peaceful reintegration of high-risk youths through rural transport opportunities	250 000
Total approved				**14 191 904**

E. Sierra Leone

Sierra Leone Peacebuilding Fund Steering Committee approval date	*Sierra Leone Peacebuilding Fund priority area*	*Recipient United Nations organization*	*Project title*	*Approved budget (in United States dollars)*
15 July 2008	Democracy and good governance	UNDP	Support to the National Anti-Corruption Strategy secretariat	349 634
15 July 2008	Democracy and good governance	UNIFEM and UNICEF	Supporting gender capacity, women's rights and child protection	802 640
15 July 2008	Democracy and good governance	IOM	Supporting the reparations programme as a recommendation of the Truth and Reconciliation Commission	3 000 000
5 June 2009	Democracy and good governance	IOM	Supporting the parliament in representation, oversight and legislative enactment	700 000
5 June 2009	Democracy and good governance	IOM	Attitudinal and behavioural change	140 000
5 June 2009	Democracy and good governance	IOM	Strengthening the Civil Society Peacebuilding Engagement Committee and women's organizations in peace consolidation	140 000
5 June 2009	Democracy and good governance	IOM	Regional cooperation in the Mano River Union	130 000
15 July 2008	Justice and security	IOM	Reformation, justice and security for prison inmates	1 610 933
15 July 2008	Justice and security	UNDP	Support to the Office of National Security	1 576 538
3 June 2009	Justice and security	IOM	Promoting women's participation in the SSR process	45 261
15 July 2008	Energy	UNDP	Emergency support to the energy sector	9 000 000
15 July 2008	Capacity-building of public administration	UNDP	Supporting the Government's capacity for peacebuilding engagement	348 125
5 June 2009	Public administration	UNDP	Independent national public broadcasting service	850,000
Total approved				**18 629 531**

F. Peacebuilding Fund emergency projects

Head of Peacebuilding Support Office approval date	*Recipient United Nations organization*	*Project title*	*Approved budget (in United States dollars)*
11 May 2009	UNDP Burundi	Support to disarmament, demobilization and reintegration process, phase 1	1 000 000
29 May 2009	UNDP Timor-Leste[a]	Support to internally displaced persons and communities affected by internally displaced persons	543 284

Head of Peacebuilding Support Office approval date	*Recipient United Nations organization*	*Project title*	*Approved budget (in United States dollars)*
11 June 2009	UNDP Sierra Leone	Political reconciliation and restoration of democratic institutions	946 950
11 June 2009	UNDP Sierra Leone	Support to police's public order maintenance capacity	999 870
Total funds for emergency projects			**3 940 445**

[a] Funding in the amount of $450,341 jointly approved for IOM.

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Sixty-fourth session
Item 64 (b) of the provisional agenda*
Advancement of women: implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly

Measures taken and progress achieved in follow-up to the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 63/159, provides information on the extent to which intergovernmental bodies paid attention to gender perspectives. As requested by the Economic and Social Council in its resolution 2006/9, the report also contains an assessment of the impact of the input of the Commission on the Status of Women on discussions within the United Nations system.

* A/64/150.

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I. Introduction

1. The General Assembly, in its resolution 63/159, requested the Secretary-General to continue to report annually to the Assembly, the Commission on the Status of Women and the Economic and Social Council, on the follow-up to and progress made in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session, with an assessment of progress in gender mainstreaming, including information on key achievements, lessons learned and good practices, and recommendations on further measures to enhance implementation. The Economic and Social Council, in its resolution 2006/9, requested the Secretary-General to include in the present report an assessment of the impact of the Commission on the Status of Women's input to discussions within the United Nations system.

2. The present report responds to those mandates by providing an overview of steps taken by intergovernmental bodies[1] to promote gender equality and empowerment of women, including the sixty-third session of the General Assembly and the 2008 substantive session of the Economic and Social Council, as well as in the work of their subsidiary bodies. It reviews the extent to which reports before, and outcomes of, the intergovernmental bodies have taken gender perspectives into account and made specific recommendations for action.

II. Attention to gender equality in intergovernmental processes

3. In 2008, Member States reaffirmed the primary and essential role of the General Assembly and the Economic and Social Council, as well as the central role of the Commission on the Status of Women, in promoting the advancement of women and gender equality, and underlined their role in promoting and monitoring gender mainstreaming within the United Nations system (General Assembly resolution 63/159, paras. 19 and 21).

4. The General Assembly resolved to intensify the efforts of its Main Committees and subsidiary bodies to mainstream a gender perspective in their work, including by paying more attention to issues related to the status of women under their consideration and within their mandates, as well as in all United Nations summits, conferences and special sessions and their follow-up processes. The Assembly encouraged its subsidiary bodies to incorporate gender-equality perspectives in their discussions and outcomes and requested that reports of the Secretary-General submitted to the Assembly facilitate gender-sensitive policy development by more systematically including qualitative gender analysis, data and recommendations.

5. The Assembly also requested the Economic and Social Council to continue to encourage its functional commissions to mainstream a gender perspective in their respective follow-up actions to major United Nations conferences and summits and to develop more effective means to ensure the implementation of outcomes on gender equality at the national level, including through increased consultations with the Commission on the Status of Women (resolution 63/159, para. 20).

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[1] Reports on gender mainstreaming are also submitted to the Economic and Social Council and the Commission on the Status of Women. The report to the Council focuses on the work of United Nations entities and the report to the Commission focuses on Member State initiatives.

A. General Assembly

6. The present section provides examples of how gender equality and the empowerment of women were addressed during the sixty-third session of the General Assembly, including in selected high-level events, as well as in the work of the Peacebuilding Commission and the Human Rights Council.

7. The analysis carried out in preparation for the present report[2] indicated that documentation before and outcomes of the Second and Third Committees and the plenary contained significantly more information on gender perspectives than documentation and outcomes of the First, Fourth and Sixth Committees. In the Fifth Committee, several budget and performance-related reports contained information on efforts to promote gender equality and empowerment of women, notably in peacekeeping operations. Some progress was observed in gender-sensitive outcomes at the sixty-third session, compared to the sixty-second session of the Assembly. An estimated 30 per cent of resolutions contained references to gender-equality issues, albeit with differing degrees of substantive content. Approximately 54 per cent of the reports before the Assembly included some references to gender-equality issues, ranging from general statements to more in-depth analysis.

8. While many reports and resolutions expressed general commitments to gender-equality goals, fewer contained specific data and recommendations to guide and monitor implementation. A positive finding was that the Assembly and its subsidiary bodies in a number of agenda items called for increased measures to eliminate violence against women. Considerable attention was also given to gender-equality issues in relation to decent work for all and peace, security and humanitarian assistance.

1. Issues highlighted in the work of the General Assembly

9. The present section provides illustrative examples of gender-equality issues which were addressed across agenda items.

(a) Violence against women

10. During the past year, violence against women was widely discussed in the General Assembly. Several reports and resolutions covering a broad range of issues, including trafficking in women and girls, the rights of the child, the responsibility to protect, and regional and country-specific situations, emphasized the need to eliminate violence against women.[3]

11. Under the agenda item entitled "Advancement of women", the report on intensification of efforts to eliminate all forms of violence against women (A/63/214) stressed the fact that comprehensive measures to secure gender equality and protect women's human rights, in accordance with the international human rights framework, were necessary for the effective prevention and elimination of all

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[2] The gender-equality content of reports of the Secretary-General and resolutions adopted by the General Assembly during its sixty-third session, as available in the United Nations Official Document System up to mid-June 2009, was reviewed.

[3] See for example, A/63/133, A/63/214, A/63/215, A/63/216, A/63/220, A/63/222, A/63/367, A/63/677, A/63/785-S/2009/158, A/63/702 and General Assembly resolutions 63/166, 63/181, 63/190 and 63/241.

forms of violence against women. The Assembly adopted key resolutions on violence against women under that agenda item. In its resolution 63/155 on intensification of efforts to eliminate all forms of violence against women, the General Assembly urged States to use best practices in the fields of legislation, prevention, law enforcement, victim assistance and rehabilitation to end impunity and the culture of tolerance towards violence against women. In resolution 63/156 on trafficking in women and girls, the Assembly further emphasized the need for prevention, protection and support for trafficked victims. The need to address violence against women as one of the underlying causes of obstetric fistula, and to develop a comprehensive and integrated approach to ending the problem, was highlighted in resolution 63/158 on supporting efforts to end obstetric fistula.

12. Enhanced attention was given to efforts to address sexual and gender-based violence in situations of armed conflict and humanitarian emergencies. In the report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158) it was recognized that addressing sexual violence was an important system-wide priority of the United Nations. This was also emphasized in the report of the Security Council, covering the period from 1 August 2007 to 31 July 2008 (Supplement No. 2 (A/63/2)), which highlighted the ministerial-level debate of the Security Council on women, peace and security: sexual violence in situations of armed conflict, of June 2008, which culminated in the adoption of Council resolution 1820 (2008). The resolution called for concrete actions by Member States (including troop-contributing and police-contributing countries), all parties to armed conflict, the Secretary-General, United Nations entities, regional and subregional bodies, and financial institutions, to eliminate sexual violence and address its impacts. In resolution 63/139 on strengthening of the coordination of emergency humanitarian assistance of the United Nations, Member States were urged to address gender-based violence in humanitarian emergencies and to ensure that their laws and institutions are adequate to prevent, promptly investigate and prosecute acts of gender-based violence. The Assembly called upon States, the United Nations and all relevant humanitarian organizations to improve coordination, harmonize response and strengthen capacity in support services to victims of such violence.

13. Under the agenda items linked to crime prevention and human rights, the Assembly also paid particular attention to the elimination of violence against women and trafficking in women and children.[4] In resolution 63/194 on improving the coordination of efforts against trafficking in persons, the General Assembly urged Member States to consider taking measures to ratify or accede to the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Assembly recognized the importance of comparable data disaggregated by types of trafficking in persons, sex and age, as well as of strengthening national capacity for gathering, analysing and reporting of such data.

14. The report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/63/226) drew attention to a number of priorities, including the rule of law response to continuing impunity for widespread sexual violence in armed conflicts and high levels of unpunished sexual and domestic violence. The corresponding General Assembly resolution 63/128 on the rule of law at the national and international levels did not contain explicit references to gender-

[4] See, for example, A/63/90, A/63/99 and General Assembly resolution 63/195.

sensitive rule of law activities, but the Assembly took note of paragraph 77 (c) of the report, in which the United Nations system was requested to further strengthen its rule of law capacities, with the support of Member States, in the areas of governance, management and oversight; crime prevention; access to justice, legal empowerment and informal justice systems; sexual and gender-based violence; housing, land and property; and Constitution-making. In its resolution 63/195 on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity, the Assembly emphasized that its resolution 61/143 on the intensification of efforts to eliminate all forms of violence against women had considerable implications for the United Nations Crime Prevention and Criminal Justice Programme and its activities.

15. The report on the United Nations Voluntary Fund for Victims of Torture (A/63/220) stressed the need to ensure that mechanisms and targeted efforts are put in place to prevent, investigate and punish acts of violence against women. In resolution 63/166 on torture and other cruel, inhuman or degrading treatment or punishment, the General Assembly called upon all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to violence against women and girls. In resolution 63/181 on elimination of all forms of intolerance and of discrimination based on religion or belief, the General Assembly invited all actors to address, in the context of interreligious and intercultural dialogue, the situations of violence and discrimination that affect many women as well as other individuals on the grounds of or in the name of religion or belief or in accordance with cultural or traditional practices.

16. Action taken at the regional level to eliminate violence against women was also highlighted. For example, the Assembly noted with appreciation the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, in its resolution 63/14 on cooperation between the United Nations and the Council of Europe, and called for increased cooperation regarding all forms of violence against women, in the framework of the Secretary-General's campaign to end violence against women.

(b) Gender equality and decent work

17. Different aspects of gender equality and decent work were addressed across agenda items of the General Assembly, including: gender discrimination in labour markets; women's role in agriculture; the distribution of paid and unpaid work; the situation of women domestic workers; gender-sensitive measures to eliminate child labour; the role of microfinance; and specific challenges faced by women with disabilities.[5]

18. Under the agenda item "Social development", the report of the Secretary-General on implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (A/63/133) noted that, while several positive developments in women's participation in labour markets had occurred in the last decade, numerous challenges remained. A large number of women still work without pay; women are overrepresented in the

[5] See, for example, A/63/77-E/2008/61, A/63/130, A/63/159, A/63/179, A/63/183, A/63/190, A/63/287, A/63/304, A/63/324, A/63/526 and resolutions 63/225, 63/230, 63/231, 63/239 and 63/241.

informal sector and in non-standard jobs; women continue to earn less than men on average; and, in general, women's workloads are higher than men's due to more hours spent in unpaid work. In its corresponding resolution, 63/152, the General Assembly stressed that policies and strategies to achieve full employment and decent work for all should include specific measures to promote gender equality. It also stressed the need to allocate adequate resources for the elimination of all forms of discrimination against women in the workplace, including unequal access to labour market participation and wage inequalities, as well as reconciliation of work and private life for both women and men.

19. The report of the Secretary-General on impact of globalization on the achievement of the internationally agreed development goals, including the Millennium Development Goals (A/63/333) also noted that significant gender differences and disparities prevailed with respect to economic participation, such as women's concentration in low-skill, low-income jobs and the gender wage gap. The scarcity of wage data disaggregated by sex, however, makes a complete assessment of gender wage gaps difficult. The report stressed that an expansion of the use of sex-disaggregated data and gender-sensitive indicators in national and international monitoring frameworks is needed to accurately measure, assess and track the impact of globalization on gender equality. In the corresponding resolution 63/222, the Assembly resolved to make the goals of full employment and decent work for all, including for women and young people, a central objective of relevant national and international policies, as well as national development strategies, including poverty reduction strategies, as part of efforts to achieve the Millennium Development Goals. It noted that particular attention must be given in the context of globalization, to the objective of protecting, promoting and enhancing the rights and welfare of women and girls, as stated in the Beijing Declaration and Platform for Action.

20. Similarly, in its resolution 63/199 on the International Labour Organization Declaration on Social Justice for a Fair Globalization, the General Assembly resolved to make the goals of full and productive employment for all, including for women and young people, a central objective of relevant national and international policies, including poverty reduction strategies. The Assembly called for the implementation of the International Labour Organization Declaration on Social Justice for a Fair Globalization, which considers gender equality and non-discrimination as cross-cutting issues in the four strategic objectives of the Decent Work Agenda (A/63/538-E/2009/4, annex).

(c) Attention to gender equality in peace, security and humanitarian emergency efforts

21. The significance of mainstreaming gender equality into peace, security and humanitarian assistance efforts was expressed in documents before, and outcomes of, the General Assembly, in addition to the attention paid to violence against women mentioned earlier. The report on the Central Emergency Response Fund (A/63/348), which presented the findings of the independent review of the Fund, stressed the need to pay more attention to gender-sensitive programming. In its resolution 63/137 on strengthening emergency relief, rehabilitation, reconstruction and prevention in the aftermath of the Indian Ocean tsunami disaster, the Assembly urged Governments and the United Nations system to integrate a gender perspective in planning for disaster preparedness and responding to natural disasters, and in

implementing recovery, rehabilitation and reconstruction efforts, and to provide every opportunity for women to take a full, active and equal role in all phases of disaster management.

22. The report on strengthening of the coordination of emergency humanitarian assistance of the United Nations (A/63/81-E/2008/71) drew attention to an independent review conducted in 2007 of the cluster approach implemented in Myanmar following cyclone Nargis, which, inter alia, identified the need to better mainstream gender perspectives. It also discussed the 2007 Inter-Agency Standing Committee gender policy review, which indicated that progress had been achieved, including through the deployment of gender advisers to the field as part of a newly created gender-capacity roster to support gender mainstreaming in country-level programming. The policy review had called for enhanced coordination among humanitarian actors in gender equality programming and the equal participation of women, girls, boys and men in all aspects of humanitarian response. The report emphasized that it was imperative that humanitarian actors report sex- and age-disaggregated data to better inform decision-making, and that accountability mechanisms for mainstreaming gender equality be strengthened.[6]

23. Similarly, the importance of the technical guidance and support provided by gender advisers, gender specialists and integrated operational teams on cross-cutting issues, such as gender equality, was highlighted in the reports on strengthening the capacity of the United Nations to manage and sustain peacekeeping operations (A/63/702 and Corr.1) and on implementation of the recommendations of the Special Committee on Peacekeeping Operations (A/63/615). While its corresponding resolution 63/280 did not include explicit gender-specific references, the General Assembly endorsed the proposals, recommendations and conclusions of the Special Committee, which included specific recommendations on gender equality and peacekeeping. Within peacekeeping operations, dedicated attention to upholding organizational objectives, such as gender balance, resulted in a 28 per cent increase in the appointment of women in leadership positions since July 2007. The report of the Secretary-General on implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/63/212) drew attention to the partnership of the United Nations Development Fund for Women (UNIFEM) and the African Union's Gender Division to work on capacity-building for human rights, gender mainstreaming and monitoring within the African Union; strengthening women's human rights in conflict and post-conflict situations; and mobilizing women's effective participation through the African Union Economic and Social Council and the Pan-African Parliament.

24. Several reports related to budgetary matters and programme performance of peacekeeping operations, special political missions and peacebuilding support offices, included information, although to varying degrees, on work to promote gender equality and empowerment of women, and to improve gender balance of personnel.[7] Activities mentioned in reports included advisory services and technical support to different stakeholders, workshops and training initiatives, and awareness-

[6] See also paragraph 48, which discusses A/63/81-E/2008/71 and corresponding outcomes.

[7] See, for example, A/63/517, A/63/520, A/63/562, A/63/563, A/63/569, A/63/588, A/63/610, A/63/709, A/63/714, A/63/717, A/63/724, A/63/734, A/63/767, A/63/806, A/63/817 and addendums 3 to 6 of A/63/346.

raising events. Some work programmes included gender-specific indicators to measure performance, such as an increased representation of women in decision-making and an increased number of people trained on women's rights, gender equality and gender mainstreaming.

25. In the area of disarmament, some activities supporting gender equality and empowerment of women, including in follow-up to the United Nations integrated disarmament, demobilization and reintegration standards and related training initiatives, were highlighted in reports of the Secretary-General,[8] but outcomes of the General Assembly on disarmament did not include any references to gender equality.

2. Attention to gender equality in international high-level events

26. The present section reviews the attention to gender equality issues in three selected high-level events during the past year.

(a) High-level meeting on Africa's development needs, 22 September 2008

27. Documentation before the high-level meeting on Africa's development needs,[9] included the report on Africa's development needs: state of implementation of various commitments, challenges and the way forward (A/63/130) and the recommendations of the MDG Africa Steering Group. Those documents raised a number of issues related to the promotion of gender equality and empowerment of women. Notably, the MDG Africa Steering Group expressed concern that Millennium Development Goal 5 and its target on reducing maternal mortality would not be met by 2015. The report on Africa's development needs drew attention to commitments of African Governments to gender equality and empowerment of women, including in the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa of 2004 and the ongoing formulation of the African Union gender policy. It noted, however, that only 23 countries had ratified the 2003 Protocol. While the Solemn Declaration committed States to include the participation and representation of women in peacekeeping processes, implementation of the commitment had been limited.

28. In connection with the high-level meeting, the Africa Women's Forum[10] reaffirmed commitments to women's human rights and urged the international community to prioritize actions and resources for meeting those commitments; discussed challenges in implementation and accountability; and proposed a set of actionable recommendations to accelerate implementation of, and strengthen accountability for, gender equality and women's human rights. Panellists stressed the importance of Government action to facilitate women's political engagement and

[8] See, for example, A/63/158 and Add.1, A/63/228 and Corr.1-S/2008/531 and Corr.1.

[9] www.un.org/ga/president/62/ThematicDebates/adnhlm.shtml.

[10] The Africa Women's Forum represents an inter-agency effort of the United Nations Development Fund for Women, the United Nations Children's Fund, the Joint United Nations Programme on HIV/AIDS, the United Nations Population Fund, the United Nations Volunteers, the Office of the Special Adviser on Africa and the Economic Commission for Africa. It was co-hosted by the Governments of Iceland, Liberia and Rwanda, and the European Commission and the African Union. More information is available at: www.un.org/ga/president/62/ThematicDebates/adn/africawomenforum.pdf.

leadership in the formulation of policy and programmes at national and regional levels.

29. The high-level meeting on Africa's development needs concluded with the adoption of a political declaration (General Assembly resolution 63/1), in which the Assembly reaffirmed the commitment to gender equality and the empowerment of women. While violence against women had not been raised in the main report before the meeting, the political declaration noted with concern that violence against women and children continues, and resolved to ensure the strict universal adherence to international norms regarding violence against women and girls.

(b) High-level event on the Millennium Development Goals, 25 September 2008

30. The background note prepared by the Secretariat for the high-level event on the Millennium Development Goals pointed out that global progress in empowering women and affording them equal access to full and productive employment and economic resources had been modest.[11] It stressed that the achievement of Goal 3 depended not only on the extent to which specific targets — such as increasing women's political empowerment, literacy rates and participation in non-agricultural wage employment — were addressed, but also on the extent to which the actions taken to achieve the other Goals were designed to promote the equality of women and men. Among the Millennium Development Goals, least progress had been made in reducing maternal mortality (Goal 5).

31. In the three thematic round tables on poverty and hunger, education and health, and environmental sustainability, respectively, gender equality received limited attention, with some notable exceptions. Some speakers emphasized the links between Goal 3 and the achievement of all the Millennium Development Goals. For example, the lack of water and sanitation was identified as a key challenge to be addressed in order to meet the goals of reducing child and maternal mortality and ensuring girls' equal access to education. More attention was given to gender equality in parallel partnership events, in which, for example, efforts to integrate gender perspectives into employment programmes for both formal and informal economies, lack of adequate representation of women in decision-making, the need to increase resource allocations, and the need for data disaggregated by sex to inform policy decisions, were discussed. The Government of Denmark, for example, promoted the Global Millennium Development Goal 3 Champion Torch Campaign.

32. The high-level event culminated in new commitments and initiatives by Member States to accelerate progress towards achievement of the Millennium Development Goals. Only a limited number of the commitments made were, however, directly targeted at Goal 3 or at efforts to improve women's access to health, including reproductive health (Goal 5).

(c) Follow-up International Conference on Financing for Development to review the Implementation of the Monterrey Consensus, Doha, 29 November-2 December 2008

33. The importance of gender equality for development was raised in preparatory processes in 2007-2008 and at the Doha Conference held in December 2008. In the plenary meetings, participants emphasized that gender equality and empowerment of

[11] www.un.org/millenniumgoals/2008highlevel/.

women were essential for economic growth, poverty reduction, environmental sustainability and development effectiveness (A/CONF.212/6/Add.1).

34. The Doha Declaration on Financing for Development, endorsed by the General Assembly in its resolution 63/239, reaffirmed commitments to eliminate gender-based discrimination in all forms, including in the labour market and in financial markets, as well as in the ownership of assets and property rights. Global leaders resolved to promote women's rights, including their economic empowerment; effectively mainstream gender perspectives in law reforms, business support services and economic programmes; and give women full and equal access to economic resources. They agreed to promote and reinforce capacity-building of States and other stakeholders in gender-responsive public management, including, but not limited to, gender-responsive budgeting.

35. A number of side events at the Conference specifically addressed gender-equality aspects of financing for development, including the impact of the global economic and financial crisis on gender equality. Norway, in cooperation with the United Nations regional commissions, for example, organized a high-level event on "Mobilizing women's potential for economic growth and development: Opportunities and challenges in times of financial crisis". Panellists agreed that the current financial crisis presented an additional challenge for reaching Millennium Development Goal 3 but also provided an opportunity to integrate a gender perspective into measures to stabilize financial markets and revive economic growth.[12]

3. Subsidiary bodies of the General Assembly

(a) Peacebuilding Commission

36. The report of the Peacebuilding Commission on its second session (A/63/92-S/2008/417) and on the Peacebuilding Fund (A/63/218 and Corr.1-S/2008/522 and Corr.1) provided general references to efforts to enhance women's participation in peacebuilding, including in the context of the development of the Strategic Framework for Peacebuilding in Burundi, elections in Sierra Leone, and promotion of gender equality in law.

37. During the reporting period,[13] the Security Council referred the Central African Republic to the Peacebuilding Commission, making it the fourth country on the agenda of the Commission, after Burundi, Sierra Leone and Guinea-Bissau. The strategic frameworks for peacebuilding of these countries, including the Peacebuilding Cooperation Framework for Sierra Leone, have included important commitments on women's human rights and gender equality, including on: women's involvement in the promotion of peace; access to decision-making processes, including electoral processes (as voters and candidates); access to resources, including land; and elimination of violence against women and access to justice. The recent Strategic Framework on Peacebuilding in the Central African Republic, adopted on 6 May 2009, for example, includes commitments on the prevention of sexual and gender-based violence; training for security forces on respect for human rights; identifying and supporting victims of violence, particularly women; and bringing perpetrators to justice.[13]

[12] www.unece.org/oes/gender/mobilising_women_potential_side_event.html.

[13] Additional information received from the Peacebuilding Support Office.

38. In 2008, Burundi, the Central African Republic, Comoros, Côte d'Ivoire, Guinea, Guinea-Bissau, Kenya, Liberia and Sierra Leone received funding from the Peacebuilding Fund. According to a review of the projects receiving funding, 6 per cent of funding (US$ 6.4 million) was allocated to projects designed specifically for women with an additional 9 per cent (US$ 8 million) allocated to projects with explicit gender-equality components and/or women beneficiaries.[13]

39. On 28 January 2009, the Peacebuilding Support Office, together with the United Nations Development Programme (UNDP) and UNIFEM, convened a consultation on promoting gender equality in recovery and peacebuilding, which brought together experts, decision makers and women peace leaders from Burundi, Sierra Leone and Uganda to formulate recommendations on promoting gender equality as an input to the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict (A/63/881-S/2009/304). Some issues raised during the consultation were reflected in the report, such as the need for increased attention to the needs and priorities of women and girls in post-conflict situations. The report also addressed deficits in funding for women's empowerment and gender-equality activities.[13]

(b) Human Rights Council

40. In resolution 6/30 on integrating the human rights of women throughout the United Nations system, the Human Rights Council decided to include in its programme of work an annual full-day meeting to discuss the human rights of women, including measures by States and other stakeholders to address human rights violations. The first meeting was held during the Council's eighth session in June 2008, with a focus on violence against women. In the same resolution, the Council requested all special procedures[14] and other human rights mechanisms to regularly and systematically integrate a gender perspective into the implementation of their mandates, including when examining the intersection of multiple forms of discrimination against women, and to include in their reports information on, and qualitative analysis of, human rights of women and girls.

41. The Human Rights Council, at its eighth and ninth sessions, addressed the human rights of women and promotion of gender equality in its outcomes, including access to education for women and girls (resolution 8/4) and actions to address trafficking in persons, especially women and children (resolutions 8/12, 9/5). The Council urged States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to violence against women (resolution 8/8). It encouraged all States to apply a gender perspective in developing international migration policies and programmes, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration (resolution 9/5).

42. The Council also recognized the important role played by women's organizations in the realization of transitional justice goals and stressed the importance of ensuring the representation of women in transitional justice mechanisms and the integration of gender perspectives in their mandates. The Council emphasized the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police,

[14] See Council resolutions 8/3, 8/4, 8/6, 8/7, 8/8, 8/10, 8/11 and 8/12.

military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls (resolution 9/10).

43. Council resolutions 5/1 and 6/30 mandated the universal periodic review mechanism to fully integrate a gender perspective into all aspects of the review process. In resolution 6/30, the Council urged all stakeholders to take into full account both the rights of women and a gender perspective and encouraged States to prepare their national information through broad consultation with all relevant stakeholders at the national level. During the last three sessions of the universal periodic review, the outcome reports addressed a number of areas of relevance, including the need for legislation to protect women's human rights, adequate financing of initiatives on women's rights, and measures to enhance women's participation in social, economic and political fields of society.

B. Economic and Social Council

1. 2008 session of the Economic and Social Council

44. At its 2008 high-level segment and annual ministerial review, the Economic and Social Council addressed several issues of relevance to the implementation of the Beijing Platform for Action, including gender-based discrimination, women's access to resources, and the situation of rural women and women farmers.[15] The Ministerial Declaration on implementing the internationally agreed goals and commitments in regard to sustainable development reaffirmed commitments to promoting gender equality and the empowerment of women and to identifying and accelerating concrete actions towards that end. It emphasized, inter alia, the importance of incorporating gender perspectives in areas such as water, sanitation, human settlements and good governance, and of enhancing access of poor rural women and men to productive assets (A/63/3, chap. IV (F)).

45. Gender equality was addressed at the first biennial high-level Development Cooperation Forum held within the framework of the high-level segment. The report of the Secretary-General on trends and progress in international development cooperation (E/2008/69) expressed concern that the current aid effectiveness framework is not sufficiently responsive to development issues that are cross-cutting, notably human rights, gender equality and the environment. It pointed out that, while commitments to gender equality and women's empowerment are frequently mentioned, including in poverty reduction strategy papers, they are rarely costed. At the Forum, six high-level round tables were organized. Participants in round table 6, "Aid effectiveness agenda — towards consensus at Accra and Doha", stressed the need for donors and programme countries to monitor and comply with the commitments made through United Nations processes and human rights conventions, including those specifically addressing women's rights, and referred to the use of gender-sensitive indicators, as well as gender-responsive budgeting.[16]

46. Under the coordination segment, both reports reviewed by the Council[17] contained references to gender equality and empowerment of women, including

[15] See, for example, E/2008/12 and E/2008/68.

[16] www.un.org/ecosoc/newfunct/pdf/DCF_pub_18_Sept.pdf.

[17] E/2008/21, A/63/83-E/2008/77.

examples of work undertaken by the functional commissions. One of the four panel discussions held during the coordination segment focused on the role of the Economic and Social Council in addressing violence against women, in response to General Assembly resolution 61/143. At the panel discussion, participants agreed that the Council and its functional commissions play a critical role in creating political will to end violence against women.[18] A number of key issues were raised in the reports and panel discussions, such as women's central role in development; the importance of access to full and productive employment and decent work for women and men; the need for gender-sensitive microcredit schemes; and the importance of eliminating violence against women. However, neither of the two resolutions adopted by the Council, 2008/28 and 2008/29, included references to those issues.

47. Under the operational activities segment, reports reviewed[19] drew attention to the substantive support provided by the United Nations system at the country level on gender mainstreaming, including through gender theme groups. The report on the management process for the implementation of General Assembly resolution 62/208 on the triennial comprehensive policy review of operational activities for development of the United Nations system (E/2008/49) highlighted the policy and strategy for gender mainstreaming of the United Nations System Chief Executives Board for Coordination and United Nations Development Group guidance to United Nations country teams in that area. It also noted the intention of the Development Group and the Inter-Agency Network on Women and Gender Equality to review current guidelines on gender mainstreaming, and that United Nations country teams had begun using a scorecard on performance indicators on gender equality and women's empowerment. The corresponding resolution 2008/2 adopted by the Council contained no explicit references to gender equality, although the Council identified specific areas for follow-up which are of relevance to gender equality.

48. Under its humanitarian affairs segment, both documentation before,[20] and outcomes of, the Council contained gender perspectives. Economic and Social Council resolution 2008/36 on strengthening of the coordination of emergency humanitarian assistance of the United Nations system reiterated the need to mainstream a gender perspective into humanitarian assistance in a comprehensive and consistent manner, taking note of the updated policy of the Inter-Agency Standing Committee on gender equality in humanitarian action. In particular, the Council requested Member States, United Nations organizations and other relevant actors to ensure that all aspects of humanitarian responses address the specific needs of women, girls, men and boys, including through the improved collection, analysis and reporting of data disaggregated by sex and age. The Council urged Member States to continue to prevent, investigate and prosecute acts of gender-based violence, including sexual violence in humanitarian emergencies, and called upon Member States and relevant organizations to strengthen support services to victims of such violence.

49. Under its general segment, the Council considered the annual report on mainstreaming a gender perspective into all policies and programmes of the United

[18] www.un.org/ecosoc/docs/statement08/08%20CS%20Combatting%Violence%20against%20Women.pdf.

[19] E/2008/49, E/2008/60.

[20] See A/63/81-E/2008/71.

Nations system (E/2008/53), which included a set of recommendations to further strengthen implementation of the gender mainstreaming strategy. In response to the report, the Council adopted resolution 2008/34, in which it requested that the United Nations system, inter alia, ensure that programmes, plans and budgets visibly mainstream gender perspectives and allocate adequate financial and human resources for gender mainstreaming, commensurate with organizational gender equality goals. It stressed the important role played by senior management in creating an environment that actively supports gender mainstreaming. Other outcomes of the Council under this segment also highlighted gender equality concerns. For example, in its resolution 2008/37 on implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010, the Council expressed its deep concern that an increasing number of people are at risk of malnutrition, in particular children and women, and recognized that there are important linkages between development, poverty eradication and gender equality. In its resolution 2008/10 on the ad hoc advisory group in Haiti, the Council noted progress made by the Government of Haiti on gender equality, and stressed the importance of gender equality as a necessary dimension of any strategy for development.

2. Functional commissions of the Economic and Social Council

50. Most of the functional commissions, in addition to the Commission on the Status of Women, addressed gender perspectives, to some extent, in their deliberations and in some of their outcomes. Illustrative examples are highlighted below.

51. During its forty-sixth session, the Commission for Social Development, in its resolution on promoting full employment and decent work for all (Economic and Social Council resolution 2008/18), stressed that policies and strategies to achieve full employment and decent work for all should include specific measures to promote gender equality and empowerment of women and better possibilities for all to reconcile work and family life. The Council encouraged Governments, the private sector and civil society to promote and protect the rights of women workers, to take action to remove structural and legal barriers as well as stereotypical attitudes towards gender equality at work, and to initiate positive steps to promote equal pay for equal work or work of equal value. The efforts made by African countries and regional and subregional organizations, including the African Union, to mainstream a gender perspective and the empowerment of women in the implementation of the New Partnership were welcomed in the Council's resolution on social dimensions of the New Partnership for Africa's Development (2008/17).

52. During its thirty-ninth session, the Statistical Commission held a joint dialogue with the Commission on the Status of Women on indicators to measure violence against women. Such indicators, and the data collected to measure progress, would increase the visibility of the scope of violence against women and of trends within and between countries, and significantly enhance States' capacity to develop effective policies and other measures to prevent and eliminate violence against women. In its decision 39/116, the Statistical Commission approved the formation of a Friends of the Chair group to conduct an in-depth technical review of proposed indicators to measure violence against women.

53. At its seventeenth session, the Commission on Crime Prevention and Criminal Justice paid particular attention to the issue of violence against women. In the thematic discussion on aspects of violence against women that pertain directly to the Commission, participants focused on several topics, including: successful practices to prevent violence against women; criminal justice responses to violence against women, including against women migrant workers; and effective strategies and practices to support victims of violence, including victims of sexual assault. The Commission adopted decision 17/1 on strengthening crime prevention and criminal justice responses to violence against women and girls and requested the United Nations Office on Drugs and Crime to convene, in collaboration with the Commission on the Status of Women and the Special Rapporteur on violence against women, its causes and consequences, an intergovernmental group of experts to review and update, as appropriate, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.[21]

54. The Commission on Science and Technology for Development, in its resolution on assessment of the progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society, adopted at its eleventh session (Economic and Social Council resolution 2008/3), noted that the gender divide still persists with regard to access to the Internet and information and communications technologies in both developed and developing countries and recommended that all States strive for gender equality in access.

55. The report of the sixteenth session of the Commission on Sustainable Development (review session) (E/2008/29-E/CN.17/2008/17) stressed that gender equality had been a prominent cross-cutting issue for its work. The Commission identified gender inequality as a constraint to growth and poverty reduction. It noted that women working in the agricultural sector in particular tended to be invisible workers, and most of the income from agricultural activities went to men. Women farmers lacked training, access to credit, access to markets and market chains.

56. At its forty-first session, the Commission on Population and Development adopted resolution 2008/1 on population distribution, urbanization, internal migration and development, which emphasized the importance of establishing and funding active labour market policies devoted to the promotion of full and productive employment and decent work for all, the creation of more and better jobs for women, and their inclusion in social protection. The Commission urged Governments to promote healthy living in both rural and urban areas, including sexual and reproductive health, in particular the improvement of maternal, child and adolescent health, and efforts to reduce maternal and child mortality.

III. Fifty-second session of the Commission on the Status of Women

57. The following section provides illustrative examples of ways in which the outcome of the fifty-fourth session of the Commission on the Status of Women, on financing for gender equality and empowerment of women, has been utilized within

[21] General Assembly resolution 52/86, annex.

the United Nations system, in accordance with Economic and Social Council resolution 2006/9.

58. At its fifty-second session, the Commission considered for the first time "Financing for gender equality and empowerment of women" as its priority theme, which generated considerable interest and activities, including in the context of the financing for development process. The work of the Commission on this theme contributed substantively to other intergovernmental processes and discussions within the United Nations system. It also stimulated a range of global, regional and national events in connection with the 2008 United Nations observance of International Women's Day, which focused on "Investing in Women and Girls".[22]

59. The agreed conclusions on "Financing for gender equality and empowerment of women" adopted by the Commission (E/2008/27-E/CN.6/2008/11) noted the growing body of evidence that investing in women and girls had a multiplier effect on productivity, efficiency and sustained economic growth and that increasing women's economic empowerment was central to the achievement of the Millennium Development Goals and to the eradication of poverty. The Commission urged Governments to undertake legislative and administrative reforms to give women full and equal access to economic resources, including the rights to inheritance and ownership of land and other property, credit, natural resources and appropriate technologies.

60. The agreed conclusions were transmitted to the General Assembly as an input into the preparations for the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, held in Doha. This contributed to stronger commitments on gender equality in the Doha Declaration on Financing for Development (see also paras. 33-35 above).

61. In follow-up to the priority theme, several United Nations entities[23] undertook outreach activities, provided advisory services and carried out gender sensitive research on a range of issues linked to financing for gender equality, in areas such as macroeconomic policy; microfinance; globalization; taxation and participation in economic policymaking. UNIFEM, for example, worked throughout 2008 to support engagement of gender-equality advocates in the financing for development processes and to strengthen cooperation with Ministries of Planning and Finance. The Office of the United Nations High Commissioner for Refugees expanded the reach of its Women Leading for Livelihoods Initiative, which seeks to enhance the economic empowerment of women.

62. A number of entities, including the Economic and Social Commission for Western Asia, the Food and Agriculture Organization of the United Nations, the Joint United Nations Programme on HIV/AIDS (UNAIDS), UNDP and the United Nations Population Fund (UNFPA), provided advisory services and technical

[22] See: www.un.org/events/women/iwd/2008/.

[23] Inputs were received from: the Economic Commission for Latin America and the Caribbean, the Economic Commission for Europe, the Economic and Social Commission for Western Asia, the Food and Agriculture Organization of the United Nations, the Office of Internal Oversight Services, the Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Fund for Women, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the World Food Programme and the World Health Organization. See also E/2009/71.

assistance to Member States on gender mainstreaming, gender-responsive budgeting and data collection. For example, UNDP launched a capacity development programme in Africa to support the development of a critical mass of economic policymakers and practitioners with skills to analyse policies and budgets from a gender perspective. Several entities, including UNDP, UNFPA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Programme (WFP), reported on activities to strengthen internal capacity, including through training, to incorporate gender perspectives into policy and programming, including for sector budget and support. WFP also provided a specific budget to support the establishment of the Gender Service at headquarters and the gender policy evaluation in 2008. In planning for the biennium 2010-2011, UNRWA introduced the use of sex-disaggregated data and results-based budgeting.

63. In line with resolution WHA 60.25 adopted by the World Health Assembly, the World Health Organization developed strategic means to enhance investments in women and girls and tools to assess the integration of human rights and gender equality perspectives in sector-wide approaches. UNAIDS increased its advocacy with international development partners and national Governments on the need for increased financing for gender equality within the AIDS response. UNDP expanded its Atlas pilots to 16 countries in 2008 to refine the scoring methodology for tracking gender-related resources. It is expected that a system-wide methodology will be in place in 2009 to track all allocations and investments on gender mainstreaming, as well as women's empowerment.

64. To promote the exchange of information, the Economic Commission for Europe (ECE) developed a Web-based information portal on the economics of gender equality. The portal includes case studies of good practice in gender mainstreaming in economic policies across ECE member countries and provides links to toolkits, manuals and guidelines on gender mainstreaming, including in support of the implementation of the agreed conclusions.

65. Efforts to analyse and address the gender dimensions of the global financial and economic crisis have also been made. The Economic Commission for Latin America and the Caribbean, the United Nations International Research and Training Institute for the Advancement of Women and UNIFEM supported Mexico's National Institute for Women in organizing an international seminar on "Analysis of the economic and financial crisis from a gender perspective: understanding its impact on poverty and women's work", to promote dialogue between Government officials and academic experts. A special feature on the gender perspectives of the financial crisis was developed on the United Nations inter-agency website WomenWatch, providing links to a range of United Nations resources.[24] Links to resources are also available through the website of the Department of Economic and Social Affairs.[25]

IV. Conclusions and recommendations

66. **The review of documentation before, and outcomes of, the General Assembly and the Economic and Social Council indicated that attention to gender equality was incorporated across a wide range of policy areas, although**

[24] See: www.un.org/womenwatch/feature/financialcrisis.

[25] See: www.un.org/esa/desa/financialcrisis/gender.

coverage was not systematic and content varied widely in terms of depth of attention. Systematic attention to the gender dimensions of all issues under consideration by the General Assembly and its subsidiary bodies, and the Economic and Social Council and its functional commissions, including in outcomes, is critical to move the global policy agenda on gender equality forward and guide implementation.

67. A number of important issues concerning gender equality, women's rights and the empowerment of women and girls were addressed by the General Assembly, the Economic and Social Council and their subsidiary bodies during the past year and contributed to a strengthening of the global policy framework on gender equality. The issue most consistently addressed across different agenda items was violence against women, including trafficking in women and girls. Other areas, in which attention was more systematically drawn to gender equality and women's rights included decent work, and peace, security and humanitarian assistance. Intergovernmental bodies expressed concern that, owing to discrimination and gender inequality, women continue to be disproportionately affected by poverty, hunger, food insecurity, disasters and crisis.

68. The need to improve mainstreaming of gender equality in policy development, programme planning and monitoring and reporting was stressed across agenda items, including through improved use of sex-disaggregated data, gender-sensitive indicators and gender-responsive budgeting.

69. In the context of the Millennium Development Goals, concerns were raised about the limited progress made on Goal 5. It was also noted that progress on Goal 3 is dependent on the extent to which the actions taken to achieve the other Millennium Development Goals are designed to promote the equality of women and men. A review proposed for 2010 to assess progress towards the targets and goals of the Millennium Development Goals set for 2015 provides an opportunity to address gaps in implementation.

70. A number of other intergovernmental events in 2010 will provide opportunities to assess progress in achieving gender equality and the empowerment of women and in accelerating actions to address outstanding challenges. At its fifty-fourth session, the Commission on the Status of Women will conduct the 15-year review of the implementation of the Beijing Declaration and Platform for Action, and the outcome of the twenty-third special session of the General Assembly, focused on overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals. The theme of the annual ministerial review of the Economic and Social Council is "Implementing the internationally agreed development goals and commitments in regard to gender equality and the empowerment of women". The Economic and Social Council Development Cooperation Forum will also have a focus on gender equality. A high-level event for the tenth anniversary of Security Council resolution 1325 (2000) will examine ways to further enhance implementation and accountability on women, peace and security.

71. Taking into account the critical role of intergovernmental bodies in promoting and monitoring progress in achievement of global commitments on

gender equality, including through implementation of the gender mainstreaming strategy, the General Assembly may wish to:

(a) Request that reports submitted to the General Assembly, and the Economic and Social Council and their subsidiary bodies facilitate gender-sensitive policy development, through qualitative gender analysis, sex-disaggregated data, and concrete recommendations for further action;

(b) Ensure that gender perspectives are mainstreamed in the preparation, implementation and follow-up of all United Nations conferences, summits and high-level meetings, including in documentation, interactive events and outcomes;

(c) Request the Economic and Social Council and its functional commissions to increase efforts to mainstream gender perspectives across agenda items and in their respective follow-ups to United Nations conferences and summits, including through the annual ministerial review and the Development Cooperation Forum;

(d) Encourage increased efforts to enhance accountability for implementation of gender-equality commitments at the international, regional and national levels, including by improved monitoring and reporting on progress in relation to policies, strategies, resource allocations and programmes;

(e) Encourage Member States, United Nations entities, international and regional organizations and other relevant actors to fully utilize the opportunities provided in intergovernmental bodies in 2010 to accelerate progress in the achievement of gender equality and empowerment of women, including at the fifty-fourth session of the Commission on the Status of Women and the high-level segment of the Economic and Social Council.

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Item 71 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 63/179, in which the Assembly requested the Secretary-General to bring that resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-fourth session, highlighting the practical and preventive measures in that respect. The report summarizes the replies received from Governments in response to a note verbale sent out by the Office of the United Nations High Commissioner for Human Rights.

* A/64/150.

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I. Introduction

1. In paragraph 14 of its resolution 63/179, the General Assembly requested the Secretary-General to bring that resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-fourth session, highlighting the practical and preventive measures in that respect.

2. On 9 April 2009, in accordance with paragraph 14 of General Assembly resolution 63/179, the Office of the United Nations High Commissioner for Human Rights sent a request for information to all Permanent Missions to the United Nations. As at 26 June 2009, the Office had received responses from the Governments of Algeria, Angola, Belarus, Costa Rica, Jamaica, Paraguay and the Syrian Arab Republic. A reply from Iraq, submitted in response to both General Assembly resolution 63/179 and Human Rights Council resolution 9/4, is included in the report of the Secretary-General submitted to the Human Rights Council at its twelfth session (A/HRC/12/30).

II. Information received from Member States

Algeria

[Original: French]
[29 May 2009]

The Government stated that unilateral coercive measures were contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States. It further indicated that the adoption of unilateral coercive measures constituted a violation of human rights, in particular of the right to dignified life and the right to development, and a violation of the sovereignty of other States.

The Government underlined that the economic, social and cultural rights of populations guaranteed under the International Covenants on Human Rights were violated by unilateral coercive measures with their negative impact on well-being, development and international cooperation. It also pointed out that unilateral coercive measures created obstacles to free trade relations among sovereign States and as a result impeded full enjoyment of all human rights, as reiterated at the World Conference on Human Rights held in Vienna in 1993.

The Government confirmed that Algeria respected the principles of international law and subscribed to the Charter of the United Nations, the declarations and relevant resolutions adopted by the United Nations and, in particular, to General Assembly resolution 63/179 on human rights and unilateral coercive measures. The response also indicated that with respect to the sovereignty, equality and non-interference in domestic affairs of other States, the right of all peoples to self-determination and their free choice of their political, economic and cultural system constituted the core principles of the foreign policy of Algeria.

The Government was of the view that unilateral coercive measures were not favourable to peaceful and friendly international relations and deprived peoples of

their inalienable right to development. The extraterritorial application of national laws disturbed international peace and security. The Government also requested the Secretary-General to give special attention to the implementation of resolution 63/179 in the light of the universality, indivisibility, interdependence and interrelatedness of human rights, including the right to development.

Angola

[Original: English]
[19 May 2009]

The Government confirmed that the Constitution of Angola did not permit Angola to apply unilateral coercive measures against any country. Angolan foreign policy did not support nor did it apply unilateral coercive measures.

The Government stated that unilateral coercive measures could have a negative impact in the field of human rights, development, international relations, trade, investment and cooperation. It cautioned that the use of international organizations such as the World Bank and the International Monetary Fund with the purpose of manipulating internal affairs of States and using them as instruments of political pressure or global governance should be avoided.

The Government considered that States should refrain from adopting or implementing unilateral measures not in accordance with international law, international humanitarian law and the Charter of the United Nations. In particular, unilateral measures of a coercive nature with extraterritorial effects, which created obstacles to trade relations among States and impeded the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right to development, should be avoided.

The Government expressed its concern over the continued use of unilateral coercive measures by certain powers as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing those countries from exercising their right to decide of their own free will, their own political, economic and social systems. The Government was of the view that such acts should be condemned by the international community for their negative effects on the realization of human rights.

Belarus

[Original: English]
[29 May 2009]

The Government stated that it rejected unilateral coercive measures of an economic or political nature. Such measures contradicted the founding principles and norms of international law and were unacceptable in the context of civilized international relations.

Belarus called on the General Assembly not to lose sight of the problem of the application of unilateral coercive measures and to react immediately to any unlawful actions by States that were contrary to international law and the Charter of the United Nations.

Costa Rica

[Original: Spanish]
[20 May 2009]

Costa Rica indicated that, as a State member of the World Trade Organization, it respected and fulfilled the principles that governed that organization, including the rejection of unilateral coercive economic measures. As a State Member of the United Nations, Costa Rica respected international law, favoured the freedom of international trade and would endorse a limitation to such freedom only if it were imposed in accordance with international law and within the framework of the United Nations or the World Trade Organization.

Jamaica

[Original: English]
[28 May 2009]

Jamaica confirmed that it had not adopted any unilateral measures that were not in accordance with international law or the Charter of the United Nations. Jamaica remained opposed to the adoption of such measures as they impeded the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments.

The Government was of the view that in addition to being contrary to the principles of international law, unilateral coercive measures also contravened the sovereign equality of States, non-interference in the internal affairs of States and peaceful coexistence. The Government reiterated the call made by the General Assembly urging all States that had and continued to apply such measures to take the necessary steps to repeal or invalidate them as soon as possible.

Paraguay

[Original: Spanish]
[9 July 2009]

Paraguay indicated that for years there had been a tendency to increase unilateral restrictive measures at all levels of multilateral and regional economic and trade relations, which was affecting trade flows and distorting inter-State relations. Paraguay had never resorted to or provoked unilateral coercive measures in its multilateral and regional relations. However, Paraguay informed that it had suffered repeatedly the negative effects of those types of measures in its regional relations, mainly in the form of trade restrictions imposed on border areas by its neighbouring countries.

The Government was of the view that unilateral restrictive measures imposed at regional level caused unfair competition among partners and impeded the objective of regional integration, development and economic growth. Such measures had caused retaliation, undermined bilateral relations among States and negatively affected the development of the countries concerned. In multilateral relations, especially with the United States of America and the European Union, such measures were an important obstacle to the conclusion of trade agreements.

Paraguay noted that it was a part of the Mercado Común del Sur (MERCOSUR), which in spite of guaranteeing free movement of goods and services, still demonstrated lack of equitable treatment between the parties due to the application of unilateral restrictive measures. The development policy of Paraguay was defined to a great extent by MERCOSUR. Thus, the unilateral coercive measures that most affected Paraguay were those imposed by the partners of MERCOSUR. The Government urged that a responsive mechanism be identified to solve the problems arising from the application of non-tariff restrictions to regional trade.

Paraguay emphasized that the unilateral imposition of economic or trade sanctions, or other types of measures used as a means of political pressure employed by highly developed countries or by economically independent countries, was incompatible with international law, the Charter of the United Nations and major international instruments. Those measures were contrary to the principles of free trade and development, rendering the population the victim. The imposition of such measures was the principal cause of limited access to foreign markets and facilitated economic recession and created unemployment, inflation and general impoverishment.

Syrian Arab Republic

[Original: English]
[26 May 2009]

The Syrian Arab Republic rejected unilateral coercive measures, in particular the law enacted by the Congress of the United States against the Syrian Arab Republic, known as the "Syria Accountability Act". It considered that Act to be a violation of international law, reflecting negatively on the exercise of the right to development.

The Government indicated that it enjoyed the broad support of the Non-Aligned Movement and the Organization of the Islamic Conference (OIC), who had expressed their deep concern over the unilateral sanctions imposed on the Syrian Arab Republic by the United States. It further stated that the Non-Aligned Movement and OIC considered the Act to be a violation of international law and United Nations principles, as well as setting a serious precedent in dealing with independent States.